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# ***Illinois Register***

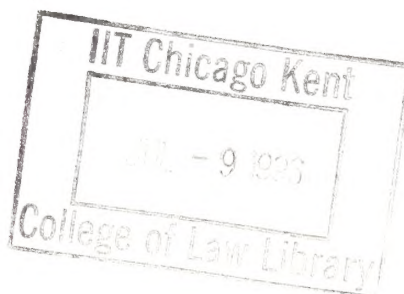
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**Rules of Governmental Agencies**

Volume 20, Issue 27 — July 05, 1996

Pages 8585 - 8745

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.sos.state.il.us>

published by  
**George H. Ryan**  
Secretary of State



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## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Regional Offices of Education and Intermediate Services

2) Code Citation: 23 Ill. Adm. Code 525

3) Section Numbers: Proposed Action:

525.10 Amendment  
525.20 Repeal  
525.30 Repeal  
525.40 Repeal  
525.50 Amendment  
525.60 Amendment  
525.100 Amendment  
525.110 Amendment  
525.120 Amendment  
525.130 Amendment  
525.140 Amendment  
525.160 Amendment

4) Statutory Authority: 105 ILCS 5/2-3.62, 105 ILCS 5/3A-16, 105 ILCS 5/3A-17

5) A Complete Description of the Subjects and Issues Involved: P.A. 99-035, effective August 17, 1995, changed the Regional Offices of Education Oversight Boards to Advisory Boards and eliminated the State Board's authority to promulgate rules for the "establishment and operation" of the boards.

Therefore, several sections (525.20, Purpose; 525.30, Membership and Selection; and 525.40, Duties) are proposed for repeal. In addition, numerous other changes are proposed throughout the rules to eliminate references to the Oversight Boards and clarify the responsibilities of Regional Superintendents of Schools for the administration of the programs and services specified in Section 2-3.62 of the School Code and Section 525.110 of the rules.

Finally, P.A. 99-15, effective May 10, 1995, eliminated subdistrict superintendents in the Chicago Public Schools, which affects Section 525.60 of the rules.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Wool  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-294  
Springfield, Illinois 62777-0001  
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the proposed rule(s) begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER c: MISCELLANEOUS

## PART 525

## REGIONAL OFFICES OF EDUCATION OVERSIGHT-BOARDS AND INTERMEDIATE SERVICES

## SUBPART A:--OVERSIGHT-BOARDS-FOR-THE-REGIONAL-OFFICES-OF-EDUCATION

## Section

525.10 Advisory Oversight Boards for Regional Offices of Education

525.20 Purpose (Repealed)

525.30 Membership and Selection (Repealed)

525.40 Duties (Repealed)

525.50 Intermediate Service Centers in Cook County Outside the City of Chicago

525.60 City of Chicago Intermediate Service Center

## SUBPART B:--PROGRAM-ADMINISTRATION-AND-EVALUATION

## Section

525.100 Role of Chief Administrator

525.110 Programs and Services to be Provided

525.120 Regional Improvement Plan

525.130 Grant Application

525.140 Program Evaluation Standards and Procedures

525.150 Allocation of Funds

525.160 Fiscal Procedures

AUTHORITY: Implementing and authorized by Sections 2-3.62, 3A-16, and 3A-17 of the School Code [105 ILCS 5/2-3.62, 3A-16, and 3A-17].

SOURCE: Adopted at 18 Ill. Reg. 17447, effective November 28, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A:--OVERSIGHT-BOARDS

## FOR-THE-REGIONAL-OFFICES-OF-EDUCATION

## Section 525.10 Advisory Oversight Boards for Regional Offices of Education

- a) Beginning on the first Monday of August 1995, each of the 45 Regional Offices of Education established pursuant to Section 3A-4 of the School Code [105 ILCS 5/3A-4] shall have an Advisory Oversight Board to advise the Regional Superintendent of Schools concerning programs and services ~~carry out the duties and oversee the planning and~~

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~delivery of programs and services as specified in Sections 3A-16 and 3A-17 of the School Code [105 ILCS 5/3A-16 and 3A-17] and Section Sections 525.18 and 525.110 of this Part. The county(ies) comprising each of these offices are as follows:~~

- 1) Adams and Pike counties
- 2) Alexander, Johnson, Massac, Pulaski, and Union counties
- 3) Bond, Effingham, and Fayette counties
- 4) Boone and Winnebago counties
- 5) Brown, Cass, Morgan, and Scott counties
- 6) Bureau, Henry, and Stark counties
- 7) Calhoun, Greene, Jersey, and Macoupin counties
- 8) Carroll, Jo Daviess, and Stephenson counties
- 9) Champaign and Ford counties
- 10) Christian and Montgomery counties
- 11) Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, and Shelby counties
- 12) Clay, Crawford, Jasper, Lawrence, and Richland counties
- 13) Clinton, Marion, and Washington counties
- 14) Cook County, excluding the City of Chicago
- 15) DeKalb County
- 16) Dewitt, Livingston, and McLean counties
- 17) DuPage County
- 18) Edwards, Gallatin, Hardin, Pope, Saline, Wabash, Wayne, and White counties
- 19) Franklin and Williamson counties
- 20) Fulton and Schuyler counties
- 21) Grundy and Kendall counties
- 22) Hamilton and Jefferson counties
- 23) Hancock and McDonough counties
- 24) Henderson, Mercer, and Warren counties
- 25) Iroquois and Kankakee counties
- 26) Jackson and Perry counties
- 27) Kane County
- 28) Knox County
- 29) Lake County
- 30) LaSalle County
- 31) Lee and Ogle counties
- 32) Logan, Mason, and Menard counties
- 33) Macon and Piatt counties
- 34) Madison County
- 35) Marshall, Putnam, and Woodford counties
- 36) McHenry County
- 37) Monroe and Randolph counties
- 38) Peoria County
- 39) Rock Island County
- 40) St. Clair County
- 41) Sangamon County
- 42) Tazewell County











STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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vacancies created by the expiration of members' terms, shall be determined by each center's Governing Board and shall be specified in its bylaws.

c) Each Governing Board shall have the following duties and responsibilities:

- 1) to select a chairperson, vice-chairperson and secretary;
  - 2) to review the ~~Governing Board's~~ budget for those services and programs provided pursuant to Section 525.110 of this Part;
  - 3) to review the regional improvement plan for the Regional Office of Education developed pursuant to Section 525.120 of this Part;
  - 4) to adopt an annual calendar of meetings providing for at least six meetings a year; and
  - 5) to submit information and reports requested by the State Superintendent of Education.
- d) The three Governing Boards shall work in cooperation and in consultation with the Cook County Regional Office of Education ~~Governing Board~~ in the delivery of services and programs provided pursuant to Section 525.110 ~~Subpart-B~~ of this Part.
- e) All meetings of the Governing Boards shall comply with the Open Meetings Act [5 ILCS 120].

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 525.60 City of Chicago Intermediate Service Center

There shall be an Intermediate Service Center in the city of Chicago, which shall develop and deliver services designed to meet the needs of the schools in its service area pursuant to the requirements of Section 525.110 ~~Subpart-B~~ of this Part.

a) The Chicago Intermediate Service Center shall be governed by an 11-member Governing Board that shall include 3 public school teachers who shall be nominated by the local bargaining unit representative to the existing Governing Board for appointment or election in accordance with that Board's bylaws and no more than 3 members from each of the following categories to include at least ~~subdistrict superintendents~~ and a representative of higher education.

- 1) The member(s) of the Governing Board who represents public school teachers and ~~subdistrict superintendents~~ shall be selected from the school district within the center's service area.
- 2) The member(s) of the Governing Board who represents higher education shall be selected from a degree-granting postsecondary institution whose campus lies within the area to be served.
- 3) The member(s) of the Governing Board who does not represent, is not employed by, or is not the designee of public school teachers, ~~subdistrict superintendents~~ or higher education must reside within the area to be served by the center.
- 4) Terms of office for Governing Board members shall be four years.

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The method for filling vacancies on the Governing Board, including vacancies created by the expiration of members' terms, shall be determined by the center's Governing Board and shall be specified in its bylaws.

b) The State Superintendent of Education shall designate an administrative agent for the center in consultation with its Governing Board established pursuant to subsection (a) of this Section. The administrative agent shall be either a Regional Office of Education or a public school district and shall serve as the chief administrator of the center with the following responsibilities:

- 1) to designate a person to serve as an ex officio nonvoting member of the Governing Board;
  - 2) to be the employer of record for personnel who are necessary to carry out the functions of the center, and whose employment has been recommended to and approved by the Governing Board;
  - 3) to submit recommendations to the Governing Board for the employment of personnel;
  - 4) to provide direction and assistance to center staff pursuant to policies adopted by the Governing Board;
  - 5) to supervise and evaluate center staff pursuant to policies adopted by the Governing Board;
  - 6) to serve as fiscal agent with authority to receive and disburse funds within a budget adopted by and pursuant to approval by the Governing Board;
  - 7) to make recommendations to the Governing Board regarding budget, personnel policies and decisions, and other such matters as the Governing Board may delegate;
  - 8) to oversee the implementation of the center's regional improvement plan developed pursuant to Section 525.120 of this Part; and
  - 9) to prepare and submit information as directed by the State Superintendent of Education.
- c) The Governing Board shall have the following duties and responsibilities:
- 1) to select a chairperson, vice-chairperson and secretary;
  - 2) to periodically evaluate the performance of the administrative agent and, if such evaluation indicates a change in agent is desirable, to recommend such change to the State Superintendent of Education pursuant to the provisions of subsection (b) of this Section;
  - 3) upon recommendation of the administrative agent, to approve the employment of such personnel as may be necessary to carry out the functions of the center;
  - 4) to approve the center's budget;
  - 5) to approve the regional improvement plan for the center developed pursuant to Section 525.120 of this Part;
  - 6) to adopt all necessary rules for the management and governance of the center, including bylaws, personnel policies, and an annual

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calendar of meetings providing for at least six meetings a year; 7) to indemnify, insure and protect the center and its Board members, administrative agent, employees, and authorized volunteers against civil and constitutional rights damage claims and suits and bodily injury and property damage claims and suits; and

8) to submit information and reports as deemed necessary by the State Superintendent of Education.

d) All meetings of the Governing Board shall comply with the Open Meetings Act (5 ILCS 120).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART 9---PROGRAM-ADMINISTRATION-AND-EVALUATION

## Section 525.100 Role of Chief Administrator

The Regional Superintendent of Schools in each Regional Office of Education shall serve as the chief administrator for the programs and services specified by Section 2-3.62 of the School Code and other programs and services assigned by the State Board of Education to the Regional Offices of Education, established pursuant to Section 525.10 of this Part, and shall:

- a) oversee personnel who are necessary to carry out the services and programs pursuant to Section 525.110 of this Part; and---whose employment---has---been---recommended---to---and---approved---by---the---Oversight Board;
- b) provide assistance to the Advisory Oversight Board in order for it to perform its duties and responsibilities pursuant to Section 525.140 of this Part;
- c) oversee fiscal accounts and the receipt and disbursement of funds within a budget adopted by the Oversight Board;
- d) make recommendations to the Oversight Board regarding budget personnel policies and decisions; and---such---matters---as---the Regional Superintendent deems necessary and as the Board requests;
- e) oversee the implementation of the Regional Office of Education's regional improvement plan developed pursuant to Section 525.120 of this Part; and
- f) on behalf of the Oversight Board, prepare and submit information as directed by the State Superintendent of Education.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.110 Programs and Services to be Provided

The following school improvement services shall be provided by each Regional Office of Education and the Chicago Intermediate Service Center as defined in

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Section 525.10 of this Part. These services shall comprise a core common to all Regional Offices and the Chicago Intermediate Service Center, but shall not limit the range of programs and services that may be offered by one or more of these entities. The 10 Regional Offices of Education with the smallest populations shall provide services under cooperative agreements with one or more of the 35 Regional Offices of Education with the largest populations in accordance with subsection (b) of this Section. Other cooperative efforts between or among the 35 Regional Offices of Education with the largest populations are allowed following consultation with the approval of each region's Advisory Oversight Board upon recommendation of its Regional Superintendent of Schools.

a) Each Regional Superintendent of Schools Oversight Board shall ensure the provision to all school districts of the programs and services listed in this subsection (a). Such services may be provided either directly by each Regional Office of Education or in cooperation with one or more Regional Offices of Education. Such services may include, but need not be limited to, the provision of administrator and teacher training programs, data collection, on-site consultation, evaluation services, implementation of the improvement practices selected by school district staff, and other services identified by school personnel as critical to the completion of their school improvement efforts.

1) Each Regional Office of Education shall provide for Education of Gifted Children as specified in Section 2-3.62(1) of the School Code. Gifted education services are those necessary to support school administrators and teachers in the planning, implementation, and evaluation of the district comprehensive gifted education plans as they relate to school improvement plans. Regional Offices shall assist the State Board of Education with collection and dissemination of information relative to the implementation of district comprehensive plans, professional development programs, and the completion of special studies as deemed necessary by the State Superintendent of Education.

2) Each Regional Office of Education shall provide for Computer Technology Education as specified in Section 2-3.62(2) of the School Code. This shall include planning, implementation, and evaluation services necessary for the establishment of programs designed to achieve computer literacy and high-technology competency. These technology services must include, but need not be limited to, inservice training and staff development; use, application, and evaluation of software; technical assistance; and curriculum development.

3) Each Regional Office of Education shall provide for Staff Development Services in Fundamental Learning Areas, to include at least mathematics, science, and reading resources, as specified in Section 2-3.62(3) of the School Code. These services shall include planning, implementation, and evaluation services as they

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relate to the continuing education, inservice training, and staff development needs of teachers and administrators in the areas of mathematics, biological and physical sciences, language arts, fine arts, social sciences, and physical development and health. Activities shall include, but need not be limited to, assisting in needs assessment activities, providing workshops and inservice training sessions, providing technical assistance, convening study or assessment groups, and acting as a clearinghouse for research materials in the fundamental learning areas.

4) Each Regional Office of Education shall ensure access for all administrators to continuing professional development offered through the Illinois Administrators' Academy (Section 2-3.53 of the School Code [105 ILCS 5/2-3.53]) and at least provide the following services: assessing regional needs, acting as a clearinghouse for educational materials and research, and keeping accurate records of attendance at inservice training sessions provided through the Illinois Administrators' Academy.

5) Each Regional Office of Education shall establish and maintain a directory of cooperating consultants used by the Regional Office to provide services to school districts and to make information regarding such consultants available to schools.

b) The ~~Overnight-Boards-of-the-10~~ Regional Offices of Education with the smallest populations shall enter into cooperative agreements with one or more of the larger regions to provide those services outlined in subsections (a)(1) through (5) of this Section, provided that:

1) approval for the agreement is obtained from each Regional Superintendent of Schools ~~of the Overnight-Boards~~ involved in the cooperative;

2) services and programs to be delivered are included in the regional improvement plan pursuant to Section 525.120 of this Part; and

3) if one or more of the 10 Regional Offices of Education cannot enter into a cooperative agreement with one or more of the larger regions, then the State Board of Education shall work with regions so that they enter into a cooperative agreement or, if necessary, assign regions to participate in a cooperative agreement.

c) In addition to the above prescribed programs and services, each Regional Office of Education and the Chicago Intermediate Service Center shall, upon written direction of the State Superintendent of Education, develop a plan for the inclusion of additional programs and services.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.120 Regional Improvement Plan

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a) Each Regional Office of Education, in consultation with its ~~Advisory Oversight~~ Board, and the Chicago Intermediate Service Center annually shall develop a plan to carry out the services and programs required under Section 525.110 of this Part. The regional improvement plan shall include a description of:

1) the scope and specific content of the programs and services to be provided and whether those programs and services will be provided by the Regional Office directly or through a cooperative agreement with one or more other Regional Offices;

2) the services to be provided that address school improvement needs identified by the Regional Office of Education through the annual needs assessment conducted in consultation with the region's educators (i.e., teachers, administrators) ~~pursuant to--Section 525.110 of this Part;~~

3) whether services will be delivered by means of on-site consultations, meetings, workshops, conferences, or other means; and

4) the costs for implementing each activity; and

5) the standards and procedures by which the completion of each outcome will be evaluated by the Regional Office of Education. Such evaluation shall specify the progress made toward meeting each need identified in the annual needs assessment and describe the steps that shall be taken to address those needs in which inadequate progress was made. ~~When evaluation is--Section 525.110 of this Part.~~

b) Those Regional Offices of Education that choose to provide the programs and services defined in Section 525.110(a)(1) through (5) of this Part in cooperation with each other shall ensure that each regional improvement plan addresses all the components for each office working in cooperation.

c) The Regional Offices of Education which have contracted with the 10 Regional Offices of Education with the smallest populations to provide programs and services as defined in Section 525.110 of this Part shall work with these offices to develop regional improvement plans and ensure that those plans address all the components for each office working in cooperation.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.130 Grant Application

Each Regional Office of Education and Chicago Intermediate Service Center shall submit an annual application. The application shall include the following:

a) A letter of transmittal which identifies the Regional Office of Education and, ~~includes an assurance that the Minister of the--Oversight Board--is--Serving--Board~~ in the case of the Chicago Intermediate Service Center Governing Board, shows that the Board has ~~now--the~~ formally approved a motion granting authority to submit the



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application.

- b) A detailed annual plan for the services to be provided by the Regional Office of Education or Chicago Intermediate Service Center pursuant to Section 525.120 of this Part. This plan shall be aligned with the school improvement planning needs identified through the annual survey of school districts to be conducted by each Regional Office of Education. Objectives along with specific activities shall be presented. Activity statements shall include:

- 1) an indication of each activity that responds to a need identified in the annual needs assessment as specified in 525.120(a)(2) ~~conducted pursuant to Section 525.120 of this Part;~~
- 2) an indication of when each activity will be implemented and completed;
- 3) an indication of who will conduct each activity;
- 4) an indication of what each activity will accomplish; and
- 5) evaluation criteria by which accomplishment of the activity can be measured.

- c) Job descriptions for the professional and nonprofessional staff to be employed by the Regional Office of Education or Chicago Intermediate Service Center. If there will be part-time employees, the approximate percentage of time they will be assigned to activities shall be submitted. Resumes shall not be submitted.

- d) Services that may be subcontracted are those which the Regional Office of Education or Chicago Intermediate Service Center staff cannot provide.

- 1) The following information regarding subcontracts in excess of \$5,000 shall be provided to the State Board of Education prior to entering into any subcontract:

- A) a statement of what is needed and why the staff cannot provide it;
- B) name of the subcontractor;
- C) the total subcontract amount;
- D) a description of the goods and/or services to be distributed or delivered;
- E) a detailed budget, including the beginning and ending dates for the proposed subcontract; and
- F) a resume(s) if the subcontract includes professional services.

- 2) The State Superintendent of Education shall approve a subcontract when the evidence presented demonstrates that a need exists which the Regional Office of Education or Chicago Intermediate Service Center staff cannot meet and that the costs represent fair market value for the goods and/or services to be provided.

- e) Applications shall contain a budget indicating in detail each item of expenditure for the programs and services to be provided. The proposed budget shall be presented on a form provided by the State Board of Education. Expenditures shall be annually audited by an independent auditor pursuant to 23 Ill. Adm. Code 110.115.

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- f) Applications must be submitted in accordance with directions set forth by the State Superintendent within 45 days after written notice by the State Board of Education. The Regional Office of Education or Chicago Intermediate Service Center shall submit three (3) copies of the application to the State Superintendent, with one copy bearing the original signature of ~~the Chairperson of~~ either the Regional Superintendent ~~Overnight-Board~~ or Chairperson of the Governing Board, in the case of the Chicago Intermediate Service Center. No FAX copies will be accepted; however, electronic transmission may be allowed as directed by the State Superintendent of Education.

- g) Applications shall be reviewed by State Board of Education staff. If an application does not meet the criteria set forth in Section 2-3.62 of the School Code and this Part, then State Board staff shall contact the applicant and request the submission of an amended application.

- h) Upon determining that an application is in compliance with Section 2-3.62 of the School Code and this Part, the State Superintendent of Education shall approve the application and shall notify ~~the Chairperson of the Overnight-Board and the Regional Superintendent or, in the case of the Chicago Intermediate Service Center, the Chairperson of the Governing Board and the Administrative Agent, of~~ such approval.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.140 Program Evaluation Standards and Procedures

The State Board of Education will annually evaluate programs that receive funds under this Part ~~subject~~ on the basis of the following standards.

- a) A review of the Regional Office of Education or Chicago Intermediate Service Center program records and operations reveals that the program complies with the provisions of Section 2-3.62 of the School Code and that it has been conducted in conformance with the provisions of the application approved by the State Superintendent of Education pursuant to Section 525.130 of this Part. To make these determinations:

- 1) State Board staff shall review the Regional Office of Education's or the Chicago Intermediate Service Center's program records at least annually; visits to districts receiving services from a particular office or center will be conducted if the staff believes on-site clarification of questions arising from the documentary review is needed;
- 2) State Board staff shall visit the Regional Office of Education or the Chicago Intermediate Service Center at least once every two years for the purpose of reviewing records and operations on-site; and
- 3) Additional on-site visits shall be conducted as the State Board staff may deem necessary to resolve any questions arising from the documentary review.

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- b) Regional Office of Education or the Chicago Intermediate Service Center evaluation standards and procedures shall conform to the requirements of Section 525.120(a)(5) 525-49497 of this Part; and the report resulting from the application of these standards and procedures shall describe the extent to which the Regional Office of Education or the Chicago Intermediate Service Center has met its objectives.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.160 Fiscal Procedures

- a) The Regional Superintendent of Schools in each Regional Office of Education and the Administrative Agent for the Chicago Intermediate Service Center shall maintain accurate financial records. The financial records shall be maintained in accordance with 23 Ill. Adm. Code 110 Program Accounting Manual) as applicable. The State Board of Education and its agents shall have full and complete access at all times during regular business hours to files, records and all other property maintained by the Regional Superintendent of Schools or Administrative Agent for programs and services provided pursuant to Section 525.110 of this Part.
- b) All purchases exceeding the amount specified in Section 10-20.21 of the State Code 105 ILCS 5-10-20.21 must be bid in accordance with that Section.
- c) The Regional Superintendent of Schools and the Administrative Agent of the Chicago Intermediate Service Center shall maintain an inventory of equipment (using forms to be provided by the State Board of Education) acquired with funds received directly from the State of Illinois.
- d) The Advisory Governing Boards in each Regional Office of Education and the Governing Board of the Chicago Intermediate Service Center shall establish travel regulations. The travel regulations shall include reimbursement rates, designation of reimbursable items, and other conditions the boards deem necessary.
- e) Registration fees and conference workshops are to be determined on a cost-recovery basis, in accordance with 23 Ill. Adm. Code 110.113(f).
- f) A maximum daily rate for consultants shall be established by the Governing Board of the Chicago Intermediate Service Center. The maximum daily rate for individual programs cannot exceed the rate the State Board of Education establishes in the grant application.
- g) All requested or obligated grant funds held by the grantee at the end of each grant agreement period shall be returned within 45 days to the State Board of Education.
- h) Bimonthly reports shall be provided by the Regional Superintendent to the Advisory Governing Board, or by the Administrative Agent to the Chicago Intermediate Service Center Governing Board, of all purchases,

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expenditures, revenues, contracts and employment actions for programs and services provided pursuant to Section 525.110 of this Part since the prior reporting period.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Student Records

2) Code Citation: 23 Ill. Adm. Code 375

3) Section Numbers:  
375.30 Proposed Action:  
Amendment  
375.40 Amendment  
375.70 Amendment  
375.90 Amendment

4) Statutory Authority: 105 ILCS 10 and 105 ILCS 5/2-3.13a

5) A Complete Description of the Subjects and Issues Involved: These amendments implement P.A. 89-106, which sets forth requirements pertaining to orders of protection, and P.A. 89-261, which adds expulsions and out-of-school suspensions to the items parents may not challenge when the student's record is being sent to another school to which the student is transferring. Further, clarification is being added to Section 375.90(f) about where appeals of the decisions of the Regional Superintendents of Schools are made, as set forth by statute.

6) Will this proposed rule replace an emergency rule currently in effect?  
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-284  
Springfield, Illinois 62777-0001  
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

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13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the proposed rule(s) begins on the next page:





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or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

- 1) In compliance with the request of a parent or eligible student that such categorization occur; and,
- 2) The records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be released unless specifically requested by the parent or eligible student.
- b) Student records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.
- c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification must consist of the following: date of notification, parent name, name of records custodian, name of students and the scheduled destruction date of temporary and permanent records.
- d) Upon graduation or permanent withdrawal of a handicapped student, as defined in the School Code [105 ILCS 5/Art. 14] ~~411r-Rev-Stat-1985~~ ~~Ch-127--225r-14-191-et-seq-7~~ and 23 Ill. Adm. Code 226, Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (Section 222(f) of the Illinois Domestic Violence Act of 1986 (750 ILCS 60/222(f))).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 375.70 Release of Information

- a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the records custodian of the other school or the student, provided that the parent receives prior

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written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge such information. If the address of the parents is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parents. Such service shall be deemed conclusive, and ten calendar days after such service, if the parents make no objection, the records may be transferred to the requesting school.

b) The school shall grant access to information contained in school student records to persons authorized or required by State or Federal law to gain such access, provided that:

- 1) Such person shall provide the school with appropriate identification and a copy of the statute authorizing such access; and,
  - 2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, such prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.
- c) The school shall grant access to, or release information from, school student records without parental consent or notification:
- 1) To an employee or official of the school or school district or the state board of education, provided such employee or official has a current, demonstrable educational or administrative interest in the student and the records are in furtherance of such interest;
  - 2) To any person for the purpose of research, statistical reporting, or planning, provided that:
    - A) The person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records; and
    - B) No student or parent can be identified from the information released (Section 6 of the Act);
  - 3) Pursuant to a court order, provided that the procedures outlined in Section 6(a)(5) of the Act are observed.

d) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom such records may be released, the reason for the release, and the specific records to be released. At the time such consent is requested or obtained, the school shall inform the parents of the following rights:

- 1) To inspect and copy such records;
  - 2) To challenge the contents of such records; and,
  - 3) To limit any such consent to designated records or designated portions of information within the records.
- e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

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(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 375.90 Challenge Procedures

- a) Parents shall be notified of their right to a hearing to challenge any entry in the school student records exceptive of except for academic grades. If the challenge is made at the time the student's school records are being forwarded to another school to which the student is transferring, then parents shall not have the right to challenge references in those records to expulsions or out-of-school suspensions. Challenges to any other entry in the school student records can be made on the basis of:
- 1) accuracy;
  - 2) relevancy;
  - 3) propriety.
- b) The request for a hearing shall be submitted in writing to the school and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.
- c) Each school shall establish administrative procedures for parents to challenge the contents of student records. Such procedures shall include:

- 1) An initial informal conference with the parents, within 15 school days of receipt of the request for a hearing.
- 2) If the challenge is not resolved by the informal conference, formal procedures shall be initiated.†
  - A) A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.
  - B) The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
  - C) At the hearing each party shall have the rights outlined in Sections 7(b)(1) through 7(b)(4) of the Act.
  - D) A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.
  - E) The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parents and the school district. It shall be based solely on the information presented at the hearing and shall be one of the following:
    - 1) To retain the challenged contents of the student

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- record;
- ii) To remove the challenged contents of the student record; or,
  - iii) To change, clarify or add to the challenged contents of the student record.
- d) Any party shall have the right to appeal the decision of the local hearing officer to the Regional Superintendent ~~of the Educational Service-Region~~ within 20 school days after such decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent ~~of the Educational Service-Region~~. The school may initiate an appeal by the same procedures. Upon receipt of such documents, the Regional Superintendent ~~of the Educational Service-Region~~ shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the Act and this Part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of the appeal involves the accuracy, relevance or propriety of any entry in special education records, the Regional Superintendent ~~of the Educational Service-Region~~ should seek advice from special education personnel:
- 1) who were not authors of the entry, and
  - 2) whose special education skills are relevant to the subject(s) of the entry in question.

- e) The school shall be responsible for implementing the decision of the Regional Superintendent ~~of the Educational Service-Region~~.

F) Final decisions of the Regional Superintendent may be appealed to the circuit court of the county in which the school is located (Section 7(c) of the Act).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers

2) Code Citation: 59 Ill. Adm. Code 258

3) Section Number:  
258.205 Proposed Action:  
258.405 Added  
Added

4) Statutory Authority: Implementing Sections 3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-601.1, 3-603, 3-606, 3-607, 3-608, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-601.1, 3-603, 3-606, 3-607, 3-608, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909 and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) A Complete Description of the Subjects and Issues Involved: Part 258 is being amended to clarify that:

Participating mental health center application is voluntary; and  
For community service areas not served by a participating mental health center, the Department shall designate through the continuity of care agreements an agency or agencies to serve as a pre-screener.

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? This rulemaking does not incorporate by reference federal statutes and the rules of another State agency.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Judith Hollenberg, Rules Administrator  
Department of Mental Health and  
Developmental Disabilities

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

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401 Stratton Building  
Springfield IL 62765  
Telephone (217)785-3313; FAX (217)524-8920

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: Private not-for-profit corporations (providers of community-based mental health services) and hospitals.

B) Reporting, bookkeeping or other procedures required for compliance: Clinical record keeping guidelines which are to be followed are contained in the Department's rules at 59 Ill. Adm. Code 132.

C) Types of professional skills necessary for compliance: General professional skills necessary for compliance are identical to those required for (1) general business skills; and (2) mental health treatment skills. In addition, the Rule specifically requires the services of a licensed physician, a licensed clinical psychologist, or a qualified examiner as defined in Section 1-122 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-122].

13) Regulatory agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments appears on the next page.

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF MENTAL HEALTH

PART 258  
STANDARDS AND REQUIREMENTS FOR  
PRE-ADMISSION SCREENING AND PARTICIPATING MENTAL HEALTH  
CENTERS

SUBPART A: GENERAL PROVISIONS

Section  
258.100  
258.110  
258.120  
258.130

Purpose  
Incorporation by reference  
Individuals' rights  
Definitions

SUBPART B: PARTICIPATING MENTAL HEALTH CENTER REQUIREMENTS

Section  
258.200  
258.205  
258.210  
258.220  
258.230  
258.240  
258.250  
258.260  
258.270  
258.280

Applicability  
Voluntary nature of application  
Criteria for application and participation  
Application and formal agreement  
Renewal of formal agreement  
Non-transferability of formal agreement  
Withdrawal  
Denial of or revocation of formal agreement  
Hearings regarding denial or revocation of formal agreement  
Annual directory

SUBPART C: SCREENING AND DISPOSITION SERVICES

Section  
258.300  
258.310  
258.320  
258.330  
258.340

Screening service requirements  
State-operated facility admission criteria  
State-operated facility admission disposition  
Court-ordered admissions  
Admission of individuals alleged to be subject to involuntary admission

258.350  
258.360  
258.370  
258.380  
258.390  
258.400

Court linkage  
Crisis and continuity of care  
Confidentiality  
Clinical records  
Service area boundaries, community service area boundaries and requirements  
Responsibility for undomiciled individuals and individuals from a

DEPARTMENT OF MENTAL HEALTH  
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geographic area other than that served by the participating mental health center  
Community service areas without a PMHC  
Interagency linkages

258.405  
258.410

SUBPART D: QUALITY ASSURANCE

Section  
258.500  
258.510  
258.520  
258.530  
258.540

Quality assurance requirements and performance indicators  
Contract dispute resolution  
Disposition dispute resolution process  
Utilization review hearings  
Complaint investigation

AUTHORITY: Implementing Sections 3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-603, 3-606, 3-607, 3-608, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-208, 3-300, 3-400, 3-405, 3-502, 3-504, 3-601, 3-603, 3-606, 3-607, 3-608, 3-702, 3-704, 3-706, 3-810, 3-811, 3-812, 3-902 and 3-909] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 19 Ill. Reg. 8203, effective June 15, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: PARTICIPATING MENTAL HEALTH CENTER REQUIREMENTS

Section 258.205 Voluntary nature of application

The decision of public or private agencies, corporations or organizations to seek to apply to be a PMHC center is voluntary. The Department shall communicate to all applicants that this Part does not require an entity to become a PMHC.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SUBPART C: SCREENING AND DISPOSITION SERVICES

Section 258.405 Community service areas without a PMHC

For community service areas not served by a PMHC, the Department shall designate, through a continuity of care agreement, an agency or agencies to provide screening. The agency so designated shall not be considered a PMHC and shall not be obligated by the requirements of this Part. When an entity

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

## NOTICE OF PROPOSED AMENDMENT(S)

becomes a PMHC for such a community service area, the portion of the continuity of care agreement designating an agency or agencies to provide screening shall be void.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: 104.273  
Proposed Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments introduce revisions to Section 104.273 that differentiate between Medicare and Medicaid administrative termination proceedings for hospitals. For Medicare actions, the Department will continue to make payments until the date the vendor's participation is terminated, for services rendered to persons who are eligible for and receiving Medical Assistance. For Medicaid only actions, the Department may stop payments to hospitals after the date of the Department's notice initiating the administrative proceeding for services rendered to eligible persons.

These changes are being made to allow the Department the flexibility to stop payments immediately when a Medicaid termination is initiated, and to continue payments when a notice is issued by the Department of Health and Human Services (HHS). HHS issues notices of intent to terminate a hospital's participation in the Medicare program when hospitals are not in compliance with federal regulations. Such hospitals correct any deficiencies before an actual termination occurs and holding payments during the pendency of proceedings places hospitals at risk relative to new admissions and the continuation of necessary services. However, Medicaid actions often involve the State's discovery of Medicaid fraud and the Department needs to maintain the right to hold payments immediately.

These changes are not expected to result in any budgetary changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which Interested Persons may comment on this



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

**Proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave., E., 3rd Floor  
Springfield, IL 62762  
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100.5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a: GENERAL PROVISIONS

## PART 104

## PRACTICE IN ADMINISTRATIVE HEARINGS

## SUBPART A: ASSISTANCE APPEAL

## Section

- 104.1 Assistance Appeals  
104.10 Initiation of Appeal Process  
104.11 Pre-Appeal Review  
104.12 Notice of Hearing  
104.20 Conduct of Hearings  
104.21 Representation  
104.22 Appellant Participation in Hearing  
104.23 Evidentiary Requirements  
104.30 Subpoenas  
104.35 Amendment of Appeal  
104.40 Consolidation of Appeals  
104.45 Postponement or Continuation of Hearings  
104.50 Withdrawal of Appeal  
104.55 Closing of Hearing Record  
104.60 Dismissal of Appeal  
104.70 Final Administrative Decision  
104.80 Public Aid Committee

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

## Section

- 104.100 Responsible Relative and Joint Payee Petitions  
104.101 Petition for Hearing  
104.102 Conduct of Administrative Support Hearings  
104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds  
104.134 Conduct of Other Hearings  
104.135 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

## SUBPART C: MEDICAL VENDOR HEARINGS

## Section

- 104.200 Applicability  
104.202 Definitions  
104.204 Notice of Denial of an Application  
104.206 Notice of Intent to Recover Money  
104.207 Notice of Contested Paternity Hearing

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to a State Licensing Agency and to Take Disciplinary Action
104.210	Right to Hearing
104.211	Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212	Prior Factual Determinations
104.213	Demand for Judicial Jury Trial in Contested Paternity Hearings
104.215	Notice of Formal Conference
104.216	Formal Conference on Recovery of Money
104.217	Purpose of Formal Conference
104.220	Notice of Hearing
104.221	Issues at Hearings
104.221	Legal Counsel
104.225	Appearance of Attorney or Other Representative
104.226	Notice, Service and Proof of Service
104.230	Form of Papers
104.231	Discovery
104.235	Conduct of Hearings
104.240	Amendments
104.241	Motions
104.242	Subpoenas
104.243	Burden of Proof
104.244	Witness at Hearings
104.245	Evidence at Hearings
104.246	Cross-Examination
104.247	Genetic Testing in Contested Paternity Hearings
104.249	Official Notice
104.250	Computer Generated Documents
104.255	Recommendation of Peer Review Committee
104.260	Time Limits for Hearings
104.270	Continuances and Extensions
104.271	Withholding of Payments During Pendency of Proceedings
104.272	Continuation of Payments During Pendency of Proceedings
104.273	Denial of Payments for Services During Pendency of Proceedings
104.274	Record of Hearings
104.280	Failure to Appear or Proceed
104.285	Recommended Decision
104.290	Director's Decision
104.295	

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid
SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

## SUBPART F: INCORPORATION BY REFERENCE

Section	
104.900	Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [205 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 3, 1980; peremptory amendment at 5 Ill. Reg. 11, p. 80, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 5 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 13379; amended at 8 Ill. Reg. 13111, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17913, effective October 16, 1989; amended at 14 Ill. Reg. 18936, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 5, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5639, effective March 28, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 104.273 Continuation of Payments During Pendency of Proceedings

The Department will continue to make payments during the pendency of an administrative proceeding when Federal or State law or regulation does not require such payments to be withheld, and in the following circumstances:

- a) If the vendor is a nursing home (not an ICF/MR facility), the Department will continue to make payments up to the termination date established by the Department for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
  - b) If the vendor is an ICF/MR facility, the Department will continue to make payments for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
  - c) If the vendor is a hospital and the Department's notice is a result of Medicare action, the Department will continue to make payments for services rendered to hospitalized persons who are eligible for and receiving Medical Assistance on the date of service up to the date the vendor's participation is terminated ~~the Department's notice initiating the administrative proceeding~~; or
  - d) If the vendor is a hospital and the Department's notice is for Medicaid only action, the Department may stop payments for services rendered to eligible persons after the date of the Department's notice initiating the administrative proceeding; or
- ~~if~~ If the administrative proceeding only relates to recovery of money (and not termination), the Department will continue to process invoices for services rendered by the vendor subject to setoff for recovery of the amount sought in the proceeding; or
- ~~if~~ If the administrative proceeding only relates to suspension and not termination of eligibility, the Department will continue to make payments for services rendered by the vendor.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: Proposed Action:  
130.2011 New Section  
130.2012 New Section

4) Statutory Authority: 20 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is in response to Public Act 99-115 which provides that any tangible personal property purchased for lease to a governmental entity under a lease period of at least one year or longer is exempt from Retailers' Occupation Tax. That Public Act also provides a similar exemption for computers and certain types of equipment purchased for lease to an exempt hospital. These proposed rules describe these exemptions and the documentation requirements for claiming the exemptions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.310	Amendment	3/29/96, 20 Ill. Reg. 5047
130.1952	New Section	4/12/96, 20 Ill. Reg. 5470
130.1501	Amendment	4/19/96, 20 Ill. Reg. 5774
130.331	New Section	6/14/96, 20 Ill. Reg. 7773

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this note to:

Terry D. Charlton  
Associate Counsel  
Department of Revenue  
Legal Services Office  
101 West Jefferson



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Springfield, IL 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that lease any type of tangible personal property to government entities or computers and certain other types of equipment for not-for-profit hospitals will be able to claim this exemption. Small municipalities and not-for-profit hospitals should be affected through potential lower leasing costs for these types of items.

B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal reporting requirements are needed to claim the exemption.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

## Section

130.101 Character and Rate of Tax  
130.105 Responsibility of Trustees, Receivers, Executors or Administrators  
130.110 Occasional Sales  
130.111 Sale of Used Motor Vehicles by Leasing or Rental Business  
130.115 Habitual Sales  
130.120 Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

## Section

130.201 The Test of a Sale at Retail  
130.205 Sales for Transfer Incident to Service  
130.210 Sales of Tangible Personal Property to Purchasers for Resale  
130.215 Further Illustrations  
130.220 Sales to Lessors of Tangible Personal Property

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

## Section

130.305 Farm Machinery and Equipment  
130.310 Food, Drugs, Medicines and Medical Appliances  
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois  
130.320 Gasohol  
130.321 Fuel Used by Air Common Carriers in International Flights  
130.325 Graphic Arts Machinery and Equipment Exemption  
130.330 Manufacturing Machinery and Equipment  
130.335 Pollution Control Facilities  
130.340 Rolling Stock  
130.345 Oil Field Exploration, Drilling and Production Equipment  
130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

## SUBPART D: GROSS RECEIPTS

## Section

130.401 Meaning of Gross Receipts  
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser  
130.410 Cost of Doing Business Not Deductible

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

130.415 Transportation and Delivery Charges  
 130.420 Finance or Interest Charges--Penalties--Discounts  
 130.425 Traded-in Property  
 130.430 Deposit or Prepayment on Purchase Price  
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax  
 130.440 Penalties  
 130.445 Federal Taxes  
 130.450 Installation, Alteration and Special Service Charges  
 130.455 Motor Vehicle Leasing and Trade-in Allowances

## SUBPART E: RETURNS

Section  
 130.501 Monthly Tax Returns--When Due--Contents  
 130.502 Quarterly Tax Returns  
 130.505 Returns and How to Prepare  
 130.510 Annual Tax Returns  
 130.515 First Return  
 130.520 Final Returns When Business is Discontinued  
 130.525 Who May Sign Returns  
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations  
 130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances  
 130.540 Returns on a Transaction by Transaction Basis  
 130.545 Registrants Must File a Return for Every Return Period  
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances  
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel  
 130.555 Vending Machine Information Returns  
 130.560 Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section  
 130.601 Preliminary Comments  
 130.605 Sales of Property Originating in Illinois  
 130.610 Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section  
 130.701 General Information on Obtaining a Certificate of Registration  
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements  
 130.710 Procedure When Surety Must be Permitted  
 130.715 Sub-Certificates of Registration  
 130.720 Separate Registrations for Different Places of Business of Same

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

130.725 Taxpayer Under Some Circumstances Display  
 130.730 Replacement of Certificate  
 130.735 Certificate Not Transferable  
 130.740 Certificate Required For Mobile Vending Units  
 130.745 Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section  
 130.801 General Requirements  
 130.805 What Records Constitute Minimum Requirement  
 130.810 Records Required to Support Deductions  
 130.815 Preservation and Retention of Records  
 130.820 Preservation of Books During Pendency of Assessment Proceedings  
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
 130.901 Civil Penalties  
 130.905 Interest  
 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
 130.1101 Definition of Federal Area  
 130.1105 When Deliveries on Federal Areas Are Taxable  
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
 130.1201 General Information  
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section  
 130.1301 When Lessee of Premises Must File Return for Leased Department



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

130.1305 When Lessor of Premises Should File Return for Leased Department  
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section  
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
 130.1410 Requirements for Certificates of Resale (Repealed)  
 130.1415 Resale Number--When Required and How Obtained  
 130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
 130.1501 Claims for Credit--Limitations--Procedure  
 130.1505 Disposition of Credit Memoranda by Holders thereof  
 130.1510 Refunds  
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

Section  
 130.1601 When Returns are Required After a Business is Discontinued  
 130.1605 When Returns are Not Required After Discontinuation of a Business  
 130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
 130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section  
 130.1801 When Powers of Attorney May be Given  
 130.1805 Filing of Power of Attorney With Department  
 130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

Section  
 130.1901 Addition Agents to Plating Baths  
 130.1905 Agricultural Producers  
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Stamps and Like Articles  
 Auctioneers and Agents  
 Barbers and Beauty Shop Operators  
 Blacksmiths  
 Chiropodists, Osteopaths and Chiropractors  
 Computer Software  
 Construction Contractors and Real Estate Developers  
 Co-operative Associations  
 Dentists  
 Enterprise Zones  
 Farm Chemicals  
 Finance Companies and Other Lending Agencies - Installment Contracts  
 - Repossessions  
 Florists and Nurserymen  
 Hatcheries  
 Operators of Games of Chance and their Suppliers  
 Optometrists and Opticians  
 Pawnbrokers  
 Peddlers, Hawkers and Itinerant Vendors  
 Personalizing Tangible Personal Property  
 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and their Suppliers  
 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated as Businesses, and Suppliers of Such Persons  
 Sales by Teacher-Sponsored Student Organizations  
 Exemption Identification Numbers  
 Sales by Nonprofit Service Enterprises  
 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
 Persons Who Repair or Otherwise Service Tangible Personal Property  
 Physicians and Surgeons  
 Picture-Framers  
 Public Amusement Places  
 Registered Pharmacists and Druggists  
 Retailers of Clothing  
 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like  
 Sales and Gifts by Employers to Employees  
 Sales by Governmental Bodies  
 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
 Sales of Automobiles for Use in Demonstration  
 Sales of Containers, Wrapping and Packing Materials and Related Products  
 Sales to Construction Contractors, Real Estate Developers and

130.1915  
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## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Speculative Builders  
 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
 Sales to or by Banks, Savings and Loan Associations and Credit Unions  
 Sales to Railroad Companies  
 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
 Sellers of Seeds and Breeding Livestock  
 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and their Suppliers  
 Sellers of Seeds and Fertilizer  
 Sellers of Machinery, Tools and the Like  
 Suppliers of Persons Engaged in Service Occupations and Professions  
 Trading Stamps and Discount Coupons  
 Undertakers and Funeral Directors  
 Vending Machines  
 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
 Vendors of Meals  
 Vendors of Memorial Stones and Monuments  
 Vendors of Signs  
 Vendors of Steam  
 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
 Veterinarians  
 Warehousemen  
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 29b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/29b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 23, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 2014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 1960, effective March 3, 1982; amended at 6 Ill. Reg. 1780, effective May 24, 1982; modified at 6 Ill. Reg. 3229; reclassified at 6 Ill. Reg. 3999; amended at 6 Ill. Reg. 15255, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 3113, effective April 11, 1984; amended at 9 Ill. Reg. 19062, effective September 25, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 19067, effective July 1, 1986; amended at 11

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 19767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11924, effective June 29, 1989; amended at 14 Ill. Reg. 211, effective December 21, 1989; amended at 14 Ill. Reg. 971, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 13, 1990; amended at 15 Ill. Reg. 5621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 13, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 360, effective January 11, 1993; amended at 17 Ill. Reg. 13142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 6866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 13, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART S: SPECIFIC APPLICATIONS

## Section 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals

- a) Effective January 1, 1996, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients that are sold to persons who lease those items to exempt hospitals are not subject to Retailers' Occupation Tax providing:
- 1) the computers, communications equipment, and other equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or in effect at the time of purchase;
  - 2) the lease must be for a period of one year or longer; and
  - 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act. See Section 130.2007 of this Part).
- b) The retailer must retain the certification described below in the

## DEPARTMENT OF REVENUE

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retailers' books and records to properly document the exemption described in this Section.

1) When this exemption may be properly claimed on the purchase of computer or other communications equipment, the purchaser must give the seller a certification stating that the computer or other communications equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.

2) When this exemption may be properly claimed on the purchase of equipment used in the diagnosis, analysis, or treatment of hospital patients, the purchaser must give the seller a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.

3) The certification described in subsections (b)(1) and (b)(2) of this Section must also contain all of the following:

- A) The seller's name and address;
- B) The purchaser's name and address;
- C) A description of the tangible personal property being purchased;
- D) The purchaser's signature and date of signing;
- E) The name and address of the hospital and its tax exemption identification number issued by the Department; and
- F) The date the lease was executed and the lease period.

c) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at qualifying hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies

a) Effective January 1, 1996, sales of tangible personal property to a lessor who leases that property to a governmental body are not subject to Retailers' Occupation Tax provided that:

1) the tangible personal property must be purchased for lease to a governmental body under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a governmental body that has an active tax

## DEPARTMENT OF REVENUE

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exemption identification number issued by the Department under Section 130.2007 of this Part).

b) When this exemption may be properly claimed, the purchaser must give the seller a certification stating that the property is being purchased for lease to a governmental body under a lease of one year or longer executed or in effect at the time of the purchase and containing all of the following:

- 1) The seller's name and address;
- 2) The purchaser's name and address;
- 3) A description of the tangible personal property being purchased;
- 4) The purchaser's signature and date of signing;
- 5) The name of the governmental body and its tax exemption identification number issued by the Department; and
- 6) The date the lease was executed and the lease period.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Service Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 140

3) Section Numbers:  
140.127 Proposed Action:  
New Section  
140.128

4) Statutory Authority: 35 ILCS 115

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is in response to Public Act 89-115 which provides that any tangible personal property purchased for lease to a governmental entity under a lease period of at least one year or longer is exempt from Service Occupation Tax. That Public Act also provides a similar exemption for computers and certain types of equipment purchased for lease to an exempt hospital. These proposed rules describe these exemptions and the documentation requirements for claiming the exemptions.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry Charlton  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not for profit corporations affected: Small businesses that lease any type of tangible personal property to government entities or computers and

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certain other types of equipment to not-for-profit hospitals will be able to claim this exemption. Small municipalities and not-for-profit hospitals should be affected through potential lower leasing costs for these types of items.

B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal reporting requirements are needed to claim the exemption.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment(s) begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 140

## SERVICE OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
140.101	Basis and Rate of the Service Occupation Tax
140.105	Registration of Servicemen
140.110	Presumption that Tax Applies (Repeated)
140.115	Occasional Sales to Servicemen by Suppliers (Repeated)
140.120	Meaning of Serviceman
140.125	Examples of Nontaxability
140.126	Exemption of Food, Drugs and Medical Appliances
140.127	Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals
140.128	Persons Who Lease Tangible Personal Property to Governmental Bodies
140.130	Suppliers of Printers (Repeated)
140.135	Sales of Drugs and Related Items, to or by Pharmacists
140.140	Other Examples of Taxable Transactions
140.145	Multi-Service Situations

## SUBPART B: DEFINITIONS

Section	
140.201	General Definitions
	SUBPART C: BASE OF THE TAX
Section	
140.301	Cost Price
140.305	Refunds by Supplier or Serviceman
	SUBPART D: TAX RETURNS

Section	
140.401	Monthly Returns When Due -- Contents of Returns
140.405	Annual Tax Returns
140.410	Final Return
140.415	Taxpayer's Duty to Obtain Form
140.420	Annual Information Returns by Servicemen
140.425	Filing of Returns for Serviceman "Suppliers" by their Suppliers Under Certain Circumstances
140.430	Incorporation by Reference

## SUBPART E: INTERSTATE COMMERCE

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## Section

140.501	Sales of Service Involving Property Originating in Illinois
140.505	Sales of Service Involving Property Originating Outside of Illinois (Repeated)

## SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section	
140.601	General Information
	SUBPART G: BOOKS AND RECORDS

Section	
140.701	Requirements
	SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section	
140.801	General Information

## SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section	
140.901	Written Opinions
	SUBPART J: COLLECTION OF THE TAX

Section	
140.1001	Payment of Tax to the Supplier
140.1005	Receipt to be Obtained for Tax Payments
140.1010	Payment of Tax Directly to the Department
140.1015	Itemization of the Tax by Suppliers
140.1020	Use of Bracket Chart
140.1025	Advertising in Regard to the Tax

## SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING -- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section	
140.1101	Filing of Documents with the Department
	SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section	
140.1201	When Lessee of Premises May File Return for Leased Department
140.1205	When Lessor of Premises Should File Return for Leased Department
140.1210	Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART M: USE OF EXEMPTION CERTIFICATES

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Section  
140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)  
140.1305 When Purpose of Serviceman's Purchase is Unknown  
140.1310 Blanket Percentage Exemption Certificates (Repealed)

## SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
140.1401 Claims for Credit -- Limitations -- Procedure  
140.1405 Disposition of Credit Memoranda by Holders Thereof  
140.1410 Refunds  
140.1415 Interest

## SUBPART O: DISCONTINUATION OF A BUSINESS

Section  
140.1501 Procedures

## SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section  
140.1601 Requirements and Procedures

## SUBPART Q: POWER OF ATTORNEY

Section  
140.1701 General Information

**AUTHORITY:** Implementing the Service Occupation Tax Act (35 ILCS 115) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (20 ILCS 2505/39b30).

**SOURCE:** Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 1883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7341, effective May 14, 1985; amended at 11 Ill. Reg. 24090, effective August 13, 1987; emergency amendment at 12 Ill. Reg. 24119, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 3388, effective June 5, 1993; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART A: NATURE OF TAX

Section 140.127 Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals

a) Effective January 1, 1996, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients that are transferred incident to a sale of service to persons who lease those items to exempt hospitals, are not subject to Service Occupation Tax provided:

1) the computers, communications equipment, and other equipment described above must be leased to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 11 of the Retailers' Occupation Tax Act (see 36 Ill. Adm. Code 130.2077).

b) The serviceman must retain the certification described below in his books and records to properly document the exemption described in this Section.

1) When this exemption may be properly claimed for computer or other communications equipment, the service customer must give the serviceman a certification stating that the computer or other communications equipment is for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.

2) When this exemption may be properly claimed for equipment used in the diagnosis, analysis, or treatment of hospital patients, the service customer must give the serviceman a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.

3) The certification described in subsections (b)(1) and (b)(2) of this Section must also contain all of the following:

A) The serviceman's name and address;

B) The service customer's name and address;

C) A description of the tangible personal property being transferred incident to the sale of service;

D) The service customer's signature and date of signing;

E) The name and address of the hospital and its tax exemption identification number issued by the Department; and

F) The date the lease was executed and the lease period.

c) For purposes of this Section, "hospital patients" means persons who



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seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at qualifying hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.128 Persons Who Lease Tangible Personal Property to Governmental Bodies**

a) Effective January 1, 1996, tangible personal property transferred incident to a sale of service to a lessor who leases that property to a governmental body is not subject to Service Occupation Tax provided that:

- 1) the property must be leased to a governmental body under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) The lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 14 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).

b) When this exemption may be properly claimed, the service customer must give the serviceman a certification stating that the property is for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase, and containing all of the following:

- 1) The serviceman's name and address;
- 2) The service customer's name and address;
- 3) A description of the tangible personal property being purchased;
- 4) The service customer's signature and date of signing;
- 5) The name of the governmental body and its tax exemption identification number issued by the Department; and
- 6) The date the lease was executed and the lease period.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Service Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 160
- 3) Section Numbers: Proposed Action:  
160.116 New Section  
160.117 New Section
- 4) Statutory Authority: 35 ILCS 110

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is in response to Public Act 89-115 which provides that any tangible personal property purchased for lease to a governmental entity under a lease period of at least one year or longer is exempt from Service Use Tax. That Public Act also provides a similar exemption for computers and certain types of equipment purchased for lease to an exempt hospital. These proposed rules describe these exemptions and the documentation requirements for claiming the exemptions.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses that lease any type of tangible personal property to government entities or computers and

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certain other types of equipment to not-for-profit hospitals will be able to claim this exemption. Small municipalities and not-for-profit hospitals should be affected through potential lower leasing costs for these types of items.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal reporting requirements are needed to claim the exemption.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE  
PART 160  
SERVICE USE TAX

Section	Nature of the Tax
160.101	Definitions
160.105	Kinds of Uses And Users Not Taxed
160.110	Collection Of The Service Use Tax By Servicemen
160.115	Persons Who Lease Tangible Personal Property To Exempt Hospitals
160.116	Persons Who Lease Tangible Personal Property To Governmental Bodies
160.117	Receipt For The Tax
160.120	Special Information For Taxable Users
160.125	Registration Of Servicemen
160.130	Serviceman's Return
160.135	Penalties, Interest And Procedures
160.140	Incorporation Of Illinois Service Occupation Tax Regulations By Reference
160.145	Claims To Recover Erroneously Paid Tax--Limitations--Procedures
160.150	Disposition Of Credit Memoranda By Holders Thereof
160.155	Refunds
160.160	Interest

AUTHORITY: Implementing the Service Use Tax Act (35 ILCS 110) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (22 ILCS 2505/39b30).

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5345, effective April 5, 1991; amended at 18 Ill. Reg. 1557, effective January 13, 1994; amended at 20 Ill. Reg. 7015, effective May 7, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 160.116 Persons Who Lease Tangible Personal Property to Exempt Hospitals

a) Effective January 1, 1996, hospitals and governmental bodies are not to be utilized for any hospital purpose and exempted from the diagnosis, analysis, or treatment of hospital patients and the transferred incident to the sale of services to persons who lease these items to exempt hospitals, are not subject to service use tax providing:

1) the hospital's administrative arrangements and other equipment described above must be leased to a tax exempt hospital under a

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lease that has been executed or is in effect at the time of purchase:

- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 19 of the Retailers' Occupation Tax Act (see 96 Ill. Adm. Code 130.2007).

b) The service customer must provide the certification described below to the serviceman:

- 1) When this exemption may be properly claimed for computer or other communications equipment, the service customer must give the serviceman a certification stating that the computer or other communications equipment is for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.

2) When this exemption may be properly claimed for equipment used in the diagnosis, analysis, or treatment of hospital patients, the service customer must give the serviceman a certification stating that the equipment is for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.

3) The certification described in subsections (b)(1) and (b)(2) of this Section must also contain all of the following:

- A) The serviceman's name and address;
- B) The service customer's name and address;
- C) A description of the tangible personal property;
- D) The service customer's signature and date of signing;
- E) The name and address of the hospital and its tax exemption identification number issued by the Department; and
- F) The date the lease was executed and the lease period.

c) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at qualifying hospitals, even though these persons are not admitted to those hospitals, are considered hospital patients.

d) If the computers or other equipment are used in a manner that does not qualify for the exemption or are used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Service Use Tax Act. In that event, the amount of Service Use Tax liability incurred is based on the fair market value of the computers or other equipment at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 160.117 Persons Who Lease Tangible Personal Property to Governmental Bodies

a) Effective January 1, 1996, tangible personal property transferred incident to a sale of service to a lessor who leases that property to a governmental body is not subject to Service Use Tax provided that:

- 1) the property must be leased to a governmental body under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 19 of the Retailers' Occupation Tax Act (see 96 Ill. Adm. Code 130.2007).

b) When this exemption may be properly claimed, the service customer must give the serviceman a certification stating that the property is for lease to a governmental body under a lease of one year or longer executed or in effect at the time of the purchase, and containing all of the following:

- 1) The serviceman's name and address;
- 2) The service customer's name and address;
- 3) A description of the tangible personal property being purchased;
- 4) The service customer's signature and date of signing;
- 5) The name of the governmental body and its tax exemption identification number issued by the Department; and
- 6) The date the lease was executed and the lease period.

c) If the property is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Service Use Tax Act. In that event, the amount of Service Use Tax liability incurred is based on the fair market value of the property at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Use Tax2) Code Citation: 86 Ill. Adm. Code 1503) Section Numbers: Proposed Action:

150.1331 New Section

150.232 New Section

4) Statutory Authority: 35 ILCS 105

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is in response to Public Act 93-115 which provides that any tangible personal property purchased for lease to a governmental entity under a lease period of at least one year or longer is exempt from Use Tax. That Public Act also provides a similar exemption for computers and certain types of equipment purchased for lease to an exempt hospital. These proposed rules describe these exemptions and the documentation requirements for claiming the exemptions.

6) Will this proposed rule replace an emergency rule currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment in this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
111 West Jefferson  
Springfield, Illinois 62734  
Phone: (314) 325-6936

12) Initial Regulatory Flexibility Analysis:

A) Types of Small Businesses, Small Municipalities and not for profit corporations affected: Small businesses that lease any type of

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tangible personal property to government entities or computers and certain other types of equipment to not-for-profit hospitals will be able to claim this exemption. Small municipalities and not-for-profit hospitals should be affected through potential lower leasing costs for these types of items.

B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal reporting requirements are needed to claim the exemption.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 36: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 150  
USE TAX

## SUBPART A: NATURE OF THE TAX

Section	
150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How to Compute Depreciation
150.115	How to Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

## SUBPART B: DEFINITIONS

Section	
150.201	General Definitions

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	
150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332	Persons Who Lease Tangible Personal Property to Governmental Bodies

## SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section	
150.401	Collection of the Tax by Retailers From Users
150.405	Tax Collection Brackets
150.410	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3% Rate of Tax (Repealed)

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150.430	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.450	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.500	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505	Optional 1% Schedule (Repealed)
150.510	Exact Collection of Tax Required When Practicable
150.515	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520	Display of Tax Collection Schedule
150.525	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

## SUBPART E: RECEIPT FOR THE TAX

## Requirements

## SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section	
150.601	When and Where to File a Return
150.701	Use Tax on Items that are Titled or Registered in Illinois
150.705	Procedure in Claiming Exemption from Use Tax
150.710	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.715	Display Certificates for House Trailers
150.716	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.720	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.725	Direct Reporting of Use Tax to Department by Registered Retailers
150.730	

## SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section	
150.801	When Out-of-State Retailers Must Register and Collect Use Tax
150.805	Voluntary Registration by Certain Out-of-State Retailers

## DEPARTMENT OF REVENUE

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## 150.810 Incorporation by Reference

## SUBPART H: RETAILERS' RETURNS

Section  
150.901 When and Where to File  
150.905 Deduction for Collecting Tax  
150.910 Incorporation by Reference  
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

## SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section  
150.1001 General Information

## SUBPART J: TRADED-IN PROPERTY

Section  
150.1101 General Information

## SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section  
150.1201 General Information

## SUBPART L: BOOKS AND RECORDS

Section  
150.1301 Users' Records  
150.1305 Retailers' Records  
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item  
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately from the Selling Price  
150.1320 Incorporation by Reference

## SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
150.1401 Claims for Credit--Limitations--Procedure  
150.1405 Disposition of Credit Memoranda by Holders Thereof  
150.1410 Refunds  
150.1415 Interest

## SUBPART N: Tax Administration

AUTHORITY: Implementing the Use Tax Act [95 ILCS 105] and authorized by

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Section 39b28 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b28].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 5 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 9623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March, 20, 1987; amended at 11 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

## Section 150.331 Persons who Lease Tangible Personal Property to Exempt Hospitals

- a) Effective January 1, 1996, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients that are purchased by persons who lease those items to exempt hospitals are not subject to Use Tax providing:
- 1) the computers, communications equipment, and other equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
  - 2) the lease must be for a period of one year or longer; and
  - 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 36 Ill. Adm. Code 130.2007).
- b) The purchaser must provide the certification described below to the seller.
- 1) When this exemption may be properly claimed on the purchase of computer or other communications equipment, the purchaser must give the seller a certification stating that the computer or other communications equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.
  - 2) When this exemption may be properly claimed on the purchase of equipment used in the diagnosis, analysis, or treatment of hospital patients, the purchaser must give the seller a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one



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year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.

- 2) The certification described in subsections (b)(1) and (b)(2) of this Section must also contain all of the following:

- A) The seller's name and address;
- B) The purchaser's name and address;
- C) A description of the tangible personal property being purchased;

D) The purchaser's signature and date of signing;

- E) The name and address of the hospital and its tax exemption identification number issued by the Department; and
- F) The date the lease was executed and the lease period.

c) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at qualifying hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.

- d) Provisions of this Section and the computers or other equipment are used in a manner that does not qualify for the exemption or are used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Use Tax Act. In that event, the amount of Use Tax liability incurred is based on the fair market value of the computers or other equipment at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 150.332 Persons Who Lease Tangible Personal Property to Governmental Bodies

- a) Effective January 1, 1996, sales of tangible personal property to a lessor who leases that property to a governmental body are not subject to Use Tax provided that:

1) the tangible personal property must be purchased for lease to a governmental body under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 19 of the Retailers' Occupation Tax Act (see 96 Ill. Adm. Code 130.2007).

- b) When this exemption may be properly claimed, the purchaser must give the seller a certification stating that the property is being

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purchased for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase, and containing all of the following:

- 1) The seller's name and address;
- 2) The purchaser's name and address;
- 3) A description of the tangible personal property being purchased;
- 4) The purchaser's signature and date of signing;
- 5) The name of the governmental body and its tax exemption identification number issued by the Department; and
- 6) The date the lease was executed and the lease period.

c) If the property is purchased by a lessor under the provisions of this Section and the property is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Use Tax Act. In that event, the amount of Use Tax liability incurred is based on the fair market value of the property at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:  
Adopted Action:  
 310.100 Amended  
 310.110 Amended  
 310.130 Amended  
 310.230 Amended  
 310.240 Amended  
 310.495 Amended  
 310. Appendix B Amended  
 310. Appendix G Amended
- 4) Statutory Authority: Authorized by Section 8 and 8a of the Personnel Code [20 ILCS 4-5.8 and 8a].
- 5) Effective Date of Amendment: June 20, 1996
- 6) Does this Rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No. These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: June 20, 1996
- 9) Notice of Proposal Published in Illinois Register: March 22, 1996, Issue #12, 20 Ill. Reg. 4491
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference between proposal and final version:
- In line 492, the Educator's maximum daily rate was changed from \$60 to \$85 (adopted June 10, 1996).
  - In lines 492 and 493, the minimum daily rate of the Educator and Educator Aide was corrected to \$32 to reflect an amendment adopted effective April 9, 1993.
  - In lines 515, 517, 519 and 521, the redundancies of the Physician Specialists were deleted.
  - In line 547, the Technical Advisor I7 was deleted (adopted June 10, 1996).
  - In line 675, the footnote symbol "3." was deleted since a footnote was not included at the bottom of the section.

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6. In line 691, the monthly salary under step 1a of Salary Grade 16 was corrected from \$2,440 to \$2,400 to reflect what was original filed with the Administrative Code Division.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending to this part? Yes
- | Section Number  | Proposed Action | Illinois Register Citation         |
|-----------------|-----------------|------------------------------------|
| 310. Appendix A | Amended         | 20 Ill. Reg. 4091 (March 13, 1995) |
| Table AA        | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.50          | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.70          | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.100         | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.110         | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.280         | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.480         | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.490         | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310.590         | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| 310. Appendix A | Amended         | 20 Ill. Reg. 5104 (April 5, 1996)  |
| Table F         | Amended         | 20 Ill. Reg. 5405 (April 12, 1996) |
| 310.230         | Amended         | 20 Ill. Reg. 5405 (April 12, 1996) |
- 15) Summary and Purpose of Amendment: The following amendments to Sections 310.100, 310.110, 310.130, 310.240 and 310. Appendix B reflect the Fiscal Year 1997 Pay Plan changes that affect those employees subject to the Schedule of Salary Grades.
- In Section 310.100, Other Pay Provisions, the "Step 1a" was changed to "Step 1c" in subsection b) and c) 1b) to reflect the entrance step in the salary schedules for ASCME Bargaining Units and the Schedule of Salary Grades for Fiscal Year 1997.
- In Sections 310.110 Implementation of Pay Plan Changes for Fiscal Year 1996) and 310.130 (Effective Date), the rates were changed to reflect the new Fiscal Year 1997. In Section 310.240, subsection b), the "Step 1a" was changed to "Step 1c" to reflect the entrance step in the salary schedules for ASCME Bargaining Units and the Schedule of Salary Grades for Fiscal Year 1997.
- In Section 310.240, Hourly Rate, the number "1" was deleted to reference to salary ranges consisting of 17 steps in the salary schedule of ASCME Bargaining Units and the Schedule of Salary Grades.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1997-1996
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Trainee Rate
310.260	Legislated and Contracted Rate
310.270	Designated Rate
310.280	Out-of-State or Foreign Service Rate
310.290	Educator Schedule for RC-063 and HR-010
310.300	Physician Specialist Rate
310.310	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.320	Excluded Classes Rate (Repealed)
310.330	

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
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In section 310. Appendix B, the Schedule of Salary Grades was amended to include a general increase of 3% identical to that to be received by the AFSCME Collective Bargaining Units for July 1, 1996, to maintain alignment.

The Department of Mental Health and Developmental Disabilities requested that the maximum hourly rate for the class of Physician Specialist (Option D) be upgraded. The agency has stated that the lack of trained psychiatrists has been a recurrent issue identified by HCFA, JOCARO and the U.S. Department of Justice.

In Section 310.230, Part-Time Daily or Hourly Special Services Rate, the maximum hourly rate for the class of Physician Specialist (Option D) was revised from \$85 to \$115 per hour. The new maximum hourly rate of \$115 will help recruit and retain employees for these critical positions.

In Section 310.495, Public Service Administrator Class Series, the Section heading was changed to "Broad-Band Pay Range Classes". The revision of Section 310.495 allows this Section to accommodate other classes which are established with the broader design as used with the Senior Public Service Administrator and Public Service Administrator.

A provision was established in paragraph g) that provides for moving employees into the new range if their former range is encompassed by the new range, and for moving employees into the range with a 5% increase if the new range is at a higher level than their current range with stipulation established for determining range relationships.

In section 310. Appendix G, Public Service Administrator Class Salary Schedule, the Section heading was changed to "Broad-Band Pay Range Classes Salary Schedule". The new classifications of Human Resources Representative and Human Resources Specialist were included within Appendix G with the monthly salary ranges of \$1,336 - \$3,436 and \$2,112 - \$4,087, respectively. These two new classes will replace fourteen personnel and labor relations titles.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, IL 62706  
(217) 782-5601

The full text of the Adopted Amendment(s) begins on the next page:



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1996 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1996
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1996
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes <del>Public-Service-Administrator-Class</del> Series Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory

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Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Board-Band Pay Range Classes <del>Public-Service-Administrator-Class</del> Series
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1996
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #25)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	(U-500) (Corrections, Meet and Confer Employees)

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amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 548, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7793, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12995, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 9970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 4, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 1627, effective effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7653, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854,

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effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 13, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 3068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 3382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 13, 1992; amended at 17 Ill. Reg. 530, effective January 4, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 23, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; December 17, 1993; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11298, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14117, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 29, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 9156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

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scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay --

A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the

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effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 9301, effective June 11, 1996; amended at 20 Ill. Reg. **8657**, effective June 20, 1996.

SUBPART A: NARRATIVE

Section 310.100 Other Pay Provisions

a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.

b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1C of the salary grade.

1) Qualifications Above Minimum Requirements --

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.

B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1C to entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

c) Differential and Overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly



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particular circumstances.

4) Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

d) Part-Time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.

e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

f) Lump Sum Payment -- Shall be provided for accrued vacation and overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.

AGENCY NOTE -- The method to be used in computing lump sum payment for accrued vacation and overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.

g) Salary Treatment Upon Return From Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

h) Salary Treatment Upon Reemployment --

1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at

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the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

i) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

j) Extended Service Payment --

1) Effective July 1, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained ten (10) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.

2) Effective July 1, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained fifteen (15) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.

k) Bi-Lingual Pay --

1) Effective October 1, 1994, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional 1% or \$75.00 per month whichever is greater in addition to the employee's base rate.

2) Effective July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional 5% or \$100.00 per month whichever is greater in addition to the employee's base rate.

(Source: Amended at 20 Ill. Reg. 8657, effective June 20, 1996)

## Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 1997

a) The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 1997.

b) Any employee who received a salary payment for part of Fiscal Year 1996 1995 that did not reflect the rates in Section 310. Appendix B for Fiscal Year 1997 1996, shall receive a lump sum payment equal to the difference between what was initially paid and what is appropriate per

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that provision.

- c) The Step 1a rate for each salary range that was in effect as of July 1, 1994, will remain the same and be put into the Fiscal Year 1997 1996 Schedule of Salary Grades as Step 1c Step-1b.

(Source: Amended at 20 Ill. Reg. 8657, effective June 20, 1996)

## Section 310.130 Effective Date

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 1996 1995.

(Source: Amended at 20 Ill. Reg. 8657, effective June 20, 1996)

## SUBPART B: SCHEDULE OF RATES

## Section 310.230 Part-time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	32 to 50 (daily)
Building/Grounds Lead I	4.25 to 6.00 (hourly)
Building/Grounds Lead II	4.25 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.00 to 6.00 (hourly)
Chemist I	32 to 70 (daily)
Conservation/Historic Preservation Worker	32 to 45 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	4.50 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	4.64 to 6.50 (hourly)
Dentist I	4.78 to 6.50 (hourly)
	70 to 150 (daily)

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Dentist II	100 to 185 (daily)
Educator	32 to 85 (daily)
Educator Aide	32 to 35 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Coordinator	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	4.73 to 5.30 (hourly)
Labor Maintenance Lead Worker	5.00 to 6.00 (hourly)
Labor Relations Investigator	35 to 70 (daily)
Laborer (Maintenance)	4.25 to 5.70 (hourly)
Maintenance Worker	4.25 to 5.00 (hourly)
Occupational Therapist	40 to 160 (daily)
Program Coordinator	8.12 to 10.40 (hourly)
Office Aide	60 to 78 (daily)
	Eff. FY '96:
	8.12 to 10.71 (hourly)
	Eff. FY '97:
	60 to 80 (daily)
Office Assistant	9.16 to 12.00 (hourly)
	Eff. FY '96:
	68 to 90 (daily)
	9.16 to 12.36 (hourly)
	Eff. FY '97:
	68 to 93 (daily)
Office Associate	9.80 to 13.05 (hourly)
	Eff. FY '96:
	73 to 98 (daily)
	9.80 to 13.14 (hourly)
	Eff. FY '97:
	73 to 101 (daily)
Office Clerk	8.58 to 11.15 (hourly)
	Eff. FY '96:
	64 to 84 (daily)
	8.58 to 11.49 (hourly)
	Eff. FY '97:
	64 to 86 (daily)
	15 to 35 (hourly)
Optometrist	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
Physician-Specialist-(A)	108-to-325-(daily)
Physician Specialist (B)	20 to 70 (hourly)
Physician-Specialist-(B)	108-to-358-(daily)
Physician Specialist (C)	20 to 75 (hourly)
Physician-Specialist-(C)	108-to-369-(daily)
Physician Specialist (D)	20 to 115 (hourly)
Physician-Specialist-(D)	108-to-378-(daily)
Podiatrist	50 to 125 (daily)
Psychologist I	35 to 80 (daily)
Psychologist II	40 to 125 (daily)
Psychologist III	40 to 150 (daily)
Recreation Worker I	5.33 (hourly)
	32 to 40 (daily)
	39 to 54 (daily)
Registered Nurse I	

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Registered Nurse I (2nd or 3rd shift)	41 to 56 (daily)
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County - 2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II	43 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County - 2nd or 3rd shift)	47 to 62 (daily)
Social Worker II	35 to 75 (daily)
Social Worker III	35 to 80 (daily)
Student Worker	4.25 to 8.00 (hourly)
Tax Examiner	9.69 to 12.21 (hourly)
	73 to 92 (daily)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

**8657**

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective June 20, 1996)

## Section 310.240 Hourly Rate

Rates of pay for employees whose work is of an irregular nature and whose compensation is based on an hourly rate shall be computed as follows:

For classes having salary ranges consisting of 7 steps --  
Conversion of the applicable salary step to an annual amount and  
dividing the result by the number of working hours in a year  
according to the normal work schedule of that class for the  
agency.

**8657**

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective June 20, 1996)

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section 310.495 Broad-Band Pay Range Classes Public-Service-Administrator Class-Series

Broad-band pay range ~~the Senior-Public-Service-Administrator--and--the--Public-Service-Administrator~~ classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

- Salary Range -- The salary range for broad-band the classes within-the ~~Public-Service-Administrator-series~~ shall be as set out in Appendix G.
- Entrance Salaries -- The Director or chairman of the Department, Board or Commission shall review the education, training and experience of an employee to be placed in the broad-band ~~Senior--Public--Service~~

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Administrator--or--the--Public-Service-Administrator class and determine the employee's initial rate of pay.

- The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.

- A report of the resultant rate of pay shall be provided to the Director of the Department of Central Management Services on the form provided for that purpose.

- An entrance salary should not provide more than a 10% increase over the candidate's prior salary without the prior approval of the Director of the Department of Central Management Services.

- Salary Adjustments -- Salary adjustments for positions in Broad-Band ~~Classes the--Public-Service-Administrator--class-series~~ may be made by the employing agency where the employee has been given substantial additional responsibilities but will remain in the same classification. An increase of between 5% and 10% of current base salary may be given where the substantial additional responsibilities are documented on an updated job description and reflected on the organization chart.

- Movement between Salary Systems -- Salary treatment on movement of an employee between one position in the Broad-Band ~~Public--Service-Administrator~~ class series and another position outside of the Broad-Band ~~Senior-Public-Service-Administrator~~ class series will be as recommended by the employing agency and approved by the Director of the Department of Central Management Services.

- Salary Treatment upon Initial Placement of Positions in the Senior Public Service Administrator Class -- Incumbents of any position which was in salary ranges MC-12 through MC-19 prior to reclassification into the Senior Public Service Administrator class will be placed into the range with no change in salary, unless an increase is required to take the employee to the minimum salary for the appropriate level.

Upon implementation of the Senior Public Service Administrator class, employees will be assigned to pay Level I, except that any employee whose current salary is more than \$63,000 or who is at a salary level of MC-15 or above prior to implementation will be assigned to Level II.

- Salary Treatment upon Initial Placement of Positions in the Public Service Administrator Class -- Incumbents of any position which was in salary ranges MC-08 through MC-11 prior to reclassification into the Public Service Administrator class will be placed into the range with no change in salary.

- Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes -- For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade." The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade."



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- 1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the lowest corresponding Merit Compensation grade will be placed in the broad-band range with no change in salary.
- 2) The incumbent of a position with a current salary range maximum less than the maximum of the lowest corresponding Merit Compensation grade will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum of higher broad-band maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

(Source: Amended at 20 Ill. Reg. **8657**, effective June 20, 1996)

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Section 310. APPENDIX B Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 1997 1996

Effective--July 1-1996

Salary Grade	Step 1a	Step 1b	Step 2	Step 3	Step 4	Step 5	Step 6	Maximum Step
1	17284	17324	17363	17405	17443	17484	17523	17563
2	17324	17364	17405	17443	17484	17524	17564	17604
3	17364	17404	17443	17484	17525	17565	17605	17645
4	17399	17444	17484	17525	17564	17604	17644	17684
5	17442	17483	17525	17565	17603	17644	17684	17724
6	17485	17525	17566	17603	17643	17684	17724	17764
7	17526	17567	17606	17645	17685	17725	17765	17805
8	17569	17607	17646	17685	17724	17764	17804	17844
9	17609	17647	17686	17725	17764	17804	17844	17884
10	17724	17763	17803	17843	17883	17923	17963	18003
11	17800	17841	17881	17921	17961	18001	18041	18081
12	17885	17926	17966	18006	18046	18086	18126	18166
13	17967	18007	18047	18087	18127	18167	18207	18247
14	18052	18092	18132	18172	18212	18252	18292	18332
15	18143	18183	18223	18263	18303	18343	18383	18423
16	18262	18302	18342	18382	18422	18462	18502	18542
17	18373	18413	18453	18493	18533	18573	18613	18653
18	18504	18544	18584	18624	18664	18704	18744	18784
19	18635	18675	18715	18755	18795	18835	18875	18915
20	18786	18826	18866	18906	18946	18986	19026	19066

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Minimum		Step 1		Step 2		Step 3		Step 4		Step 5		Step 6		Maximum	
Salary Grade	Step	1a	1b	2a	2b	3a	3b	4a	4b	5a	5b	6a	6b	Step 7	
21	27942	37030	37121	37202	37440	37600	37764	37920	47164						
22	37110	37203	37299	37471	37641	37812	37980	47156	47414						
23	37299	37390	37500	37605	37974	47957	47245	47499	47707						
Step-1b-Entry-level-step-for-current-fiscal-year-															
Salary Grade	Step	1c	1b	2a	2b	3a	3b	4a	4b	5a	5b	6a	6b	7a	7b
1	1284	1323	1363	1404	1447	1486	1529	1578	1619	1695					
2	1324	1364	1405	1447	1486	1529	1580	1625	1670	1747					
3	1360	1401	1443	1486	1529	1581	1628	1674	1722	1811					
4	1399	1441	1484	1529	1581	1632	1678	1735	1782	1874					
5	1447	1490	1535	1581	1634	1688	1742	1793	1846	1937					
6	1495	1540	1586	1634	1689	1744	1804	1860	1920	2017					
7	1546	1592	1640	1689	1747	1809	1870	1931	1995	2102					
8	1599	1647	1696	1747	1814	1879	1950	2013	2082	2192					
9	1660	1710	1761	1814	1882	1955	2025	2101	2173	2287					
10	1724	1776	1829	1884	1966	2037	2115	2199	2268	2394					
11	1800	1854	1910	1967	2049	2124	2211	2293	2371	2504					
12	1885	1942	2000	2060	2148	2228	2321	2405	2497	2636					
13	1967	2026	2087	2150	2240	2336	2431	2522	2619	2768					
14	2062	2124	2188	2254	2350	2449	2559	2656	2759	2919					
15	2153	2218	2285	2354	2463	2570	2675	2784	2888	3060					
16	2262	2330	2400	2472	2586	2704	2817	2934	3052	3232					
17	2373	2444	2517	2593	2717	2843	2962	3083	3208	3399					
18	2501	2576	2653	2733	2866	2999	3135	3264	3394	3596					
19	2637	2716	2797	2881	3028	3170	3317	3457	3602	3819					
20	2786	2870	2956	3045	3197	3348	3506	3657	3808	4041					
21	2942	3030	3121	3215	3380	3543	3708	3877	4038	4289					
22	3110	3203	3299	3398	3575	3750	3926	4108	4281	4546					
23	3299	3398	3500	3605	3796	3990	4179	4372	4562	4848					

(Source: Amended at 20 Ill. Reg. 8657, effective June 20, 1996)

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Section	310.APPENDIX G	Broad-Band	Pay	Range	Classes	Public--Service
Administrator--Class--Series	Salary Schedule					
Title						Minimum Salary
Human Resources Representative						1,836
Public Resources Specialist						2,112
Public Service Administrator						2,462
Senior Public Service Administrator,						3,392
Level I						5,919
Senior Public Service Administrator,						7,740
Level II						

(Source: Amended at 20 Ill. Reg. 8657, effective June 20, 1996)

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER I: STATE BOARD OF EDUCATION  
 SUBCHAPTER O: MISCELLANEOUS

PART 650  
 CHARTER SCHOOLS

## Section

650.10 Definitions

EMERGENCY

650.20 Purpose

EMERGENCY

650.30 Submission to State Board of Education

EMERGENCY

650.40 Review by State Board

EMERGENCY

650.50 Revision and Renewal of Charters

EMERGENCY

650.60 Appeal of Local School Board Reports

EMERGENCY

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Att. 27A (see P.A. 89-450, effective April 10, 1996)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days.

# Section 650.60 Appeal of Local School Board Reports

## EMERGENCY

An applicant may appeal to the State Board of Education a local school board report which denies, revokes or refuses to renew an application only if the local school board(s) did not comply with the notice and hearing requirements of Article 27A of the School Code or if the local school board(s) made errors in applying the legal requirements of Article 27A, or both. The appeal must be postmarked not later than 14 calendar days following the date of the report's submission to the State Board of Education. The appeal must be submitted in writing by certified mail, return receipt requested, to the following address:

Illinois State Board of Education  
 Charter Schools  
 P.O. Box 6424  
 Springfield, Illinois 62708

No electronic or facsimile transmissions will be accepted.  
 Appeals addressed other than as specified above or postmarked later than 14

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Charter Schools

2) Code Citation: 23 Ill. Adm. Code 650

3) Section Numbers: Emergency Action:  
 650.60 New Section

4) Statutory Authority: 105 ILCS 5/27A-13

5) Effective Date of Rules: June 25, 1996

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: June 20, 1996

8) Reason for Emergency: Governor Edgar signed charter school legislation into law on April 10, enabling charter school applicants to submit applications to local boards of education at any time. If a local board denies a charter school application, that denial may be appealed to the State Board of Education. In order to deal with such appeals, the State Board must put in place a rule indicating the basis on which it will review them.

9) A Complete Description of the Subjects and Issues Involved: One of the State Board's responsibilities under P.A. 89-450 is to review appeals for applicants whose charter school proposals have been denied by their local boards of education. This rule states the basis on which the Board's review will be conducted.

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

12) Information and questions regarding this rule shall be directed to:

Name: Sally Vogl  
 Agency Rules Coordinator  
 Address: Illinois State Board of Education  
 100 North First Street  
 Springfield, Illinois 62777  
 Telephone: (217) 782-1541

The full text of the emergency rule begins on the next page:



STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

calendar days following the date of submission of the report shall not be processed.

(Source: Emergency rule added at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Number: Proposed Action:  
114.351 Amendment  
114.352 Amendment  
114.353 Amendment

4) Notice of Emergency Amendments Published in the Illinois Register: March 15, 1996 (20 Ill. Reg. 4445)

5) JCAR Statement of Objections to Emergency Rulemaking Published in the Illinois Register: April 12, 1996 (20 Ill. Reg. 5748)

6) Summary of Action Taken by the Agency:

At its meeting on March 26, 1996, the Joint Committee on Administrative Rules issued an objection concerning the Department's emergency amendments to "General Assistance" (89 Ill. Adm. Code 114). The amendments appeared in the Illinois Register on March 15, 1996, at 20 Ill. Reg. 4445.

The Joint Committee objected to the emergency amendments because Public Act 89-21 "does not authorize the Department to increase those [transitional assistance] payment levels."

The Department respectfully disagrees with the objection and declines to change its emergency amendments in response.

The transitional assistance program was radically altered during the 1995 legislative session by Public Act 89-21. The legislature changed several of the eligibility criteria for transitional assistance [305 ILCS 5/6-11(c)]. The legislature also added language which required the Department to keep payment levels such that the payments would not exceed the amount appropriated [305 ILCS 5/6-11(g)]. The Department had to estimate what payment level would keep expenditures within the \$20 million appropriation for FY '96. This estimate was made with no experience under the new eligibility criteria. Effective July 1, 1995, the payment level was set at \$60 per month.

After several months under the new eligibility criteria, it was clear that the caseload for transitional assistance under the new criteria was much lower than originally expected. New calculations were made. Department staff determined that a payment level of \$100 per month, implemented during FY '96, would keep payments within the FY '96 appropriation and could be continued into FY '97 and keep payments within that appropriation, assuming the appropriation remained at \$20 million for FY

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

'97. This change was approved by the Bureau of the Budget and the Governor's office and went into effect in February 1996.

Under the transitional assistance provisions of the statute, the Department is responsible for setting the payment levels by rule. The statute specifically states, "The Illinois Department, shall, by rule, establish further eligibility requirements, including but not limited to residence, need and the level of payments" [305 ILCS 5/6-11(d)(5)] (emphasis added).

The only restriction contained in the statute on the setting of payment levels is that the payment levels must be set so that cash benefits do not exceed amounts appropriated for those cash benefits [305 ILCS 5/6-11(g)]. The increase of the payment level from \$60 per month to \$100 does not violate that restriction.

Based on the above, the Department has statutory authority to increase or decrease payment levels, by rule, in the transitional assistance program, as long as payments do not exceed appropriations.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: 20 ILCS 215.1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the first quarter of 1996. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 36 Ill. Adm. Code 1200.11.) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information in topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws and procedures of the Department. General information letters may not be relied on by taxpayers in taking positions with reference to tax issues and there are rights for taxpayers under the Taxpayers' Bill of Rights Act. See 36 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized in a brief synopsis under the following subjects:

Addition Modifications	Property, Personal
Bond Premium Amortization	Sales Tax
Dividends	Transportation Services
Interest	Other Credits
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Sales Tax
(Not Included Above)	Base Rate
Administrative Review	(Also See Administrative Matters)
Allocation	Private Letter Rulings
(For Alternative Apportionment Rulings, See that heading)	Modifications
Alternative Apportionment	Books and Records
Amnesty	Bulk Sales: See Sales Tax
Appointment	the General Information Letters
Financial Organizations	Bulk Sales
Insurance Companies	Business Income
	Capital Gains

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Payroll Factor  
 (Also See Subtraction Modifications - Valuation Limitations)  
 Check Off Funds  
 Circuit Breaker  
 Claims for Refund: See Refunds  
 Collection  
 Combined Unitary Return  
 (Also See Unitary)  
 Commercial Domicile  
 Compensations  
 Composite Returns  
 Confidentiality  
 Credits  
 Coal Research and Utilization  
 Credit for Replacement Tax  
 Credit for Residential Real Property Taxes  
 Enterprise Zone Investment  
 Foreign Tax  
 High Impact Business  
 Investment  
 Jobs Tax  
 Replacement Tax Investment  
 Research and Development  
 Training Expenses  
 Other Rulings  
 (Not Included Above)  
 Deficiencies  
 Definitions  
 Domestic International Sales Corporations (DISCs)  
 Elections: See Combined Unitary Return, Extensions, Unitary  
 Enterprise Zones  
 Enterprise Zones  
 (Also See Credits, Subtraction Modifications)  
 Erroneous Refund: See Refunds  
 Estates  
 Estimated Tax  
 Exempt Organizations  
 Exemptions  
 Extensions  
 Failure to File: See Penalties  
 Failure to Pay: See Penalties  
 (Also See Base Income, Capital

Farmers: See See Estimated Tax  
 Federal Returns  
 Fiduciaries  
 Financial Organizations: See Apportionment  
 Foreclosure  
 Foreign Sales Corporations (FSC's)  
 Foreign Tax: See Credits  
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax  
 Forms  
 Fraud: See Penalties  
 Fringe Benefits  
 IRC Sec. 125 "Cafeteria" Plans  
 IRC Sec. 401(k) Plans  
 Other Rulings (Not Included Above)  
 Gain (Loss): See Capital Gains (Losses): Valuation Limitation  
 Information Reports  
 Insurance Companies: See Apportionment  
 Interest Income  
 (Also See Addition Modifications, Subtraction Modifications)  
 Interest on Refunds and Deficiencies  
 IRC Sec. 338  
 Jeopardy: See Assessment  
 Judicial Review  
 Liens  
 Limited Liability Companies  
 Lottery  
 Military  
 (Also See Subtraction Modifications)  
 Miscellaneous  
 Modification Addition: See Addition Modifications  
 Modification Subtraction: See Subtraction Modifications  
 Mutual Funds: See Subtraction Modifications  
 Modifications  
 Net Income (Loss) and Net Loss Deduction (ITA Sec.207)  
 Other Rulings  
 (Not Included Above)

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Gains (Losses), Combined Unitary Returns, Net Operating Loss and Net Operating Loss Deduction  
 Net Operating Loss and Net Operating Deduction  
 Nexus: See Public Law 86-272/Nexus  
 Nonbusiness income  
 Non residents: See Residency/Nonresidency  
 Notice and Demand: See Notices  
 Notices  
 Nuclear Decommissioning Trusts  
 Overpayments: See Refunds  
 Partnerships  
 Payroll Factor: See Apportionment  
 Penalties  
 Failure to File (ITA Sec. 1001)  
 Failure to File Withholding Returns (ITA Sec. 1004)  
 Failure to Pay (ITA Sec. 1009)  
 Failure to Pay Estimated Tax (ITA Sec. 304)  
 Fraud (ITA Sec. 1002)  
 Reasonable Cause (ITA Sec. 1001)  
 Underpayment of Tax (ITA Sec.1005)  
 Other Rulings (Not Included Above)  
 Pensions  
 (Also See Subtraction Modifications)  
 Political Organizations  
 Professional Athletes  
 Property Factor: See Apportionment  
 Property Tax: See Subtraction Modifications  
 Protest  
 Public Law 86-272/Nexus  
 Rate of Tax  
 Real Estate Investment Trusts  
 Reasonable Cause: See Penalties  
 Refunds (Also See Subtraction Modifications)  
 Statute of Limitations  
 Qualified Pension Plans  
 Real Estate Taxes  
 Subpart F Income  
 Transportation Services  
 Valuation Limitation

Regulated Investment Companies  
 Replacement Tax  
 (Also See Credits)  
 Requirements of Requests for General Information Letters  
 Requirements of Request for Private Letter Rulings  
 Residency/Nonresidency  
 Returns (For Combined Unitary Return and Composite Return Rulings, See Those Headings)  
 Amended Returns  
 Due Dates  
 Requirements to File  
 Short Period Returns  
 Other Rulings (Not Included Above)  
 S Corporations  
 Sales Factor: See Apportionment  
 Sales Outside the Ordinary Course of Business (Bulk Sales)  
 Seizure  
 Separate Accounting: See Alternative Apportionment  
 Signature  
 Specific Accounting  
 Statute of Limitations: See Assessment, Collection, Deficiencies Refunds  
 Subchapter "S" Corporations: See S Corporations  
 Subpart F Income: See Subtraction Modifications  
 Subtraction Modifications  
 Bond Premium Amortization  
 Enterprise and Foreign Trade Zones  
 Illinois Tax Refund  
 Interest on U.S. Government Obligations  
 Military  
 Money Market Mutual Funds  
 Unitary (Also See Combined Unitary Return)  
 U.S. Government Obligations: See Subtraction Modifications  
 Valuation Limitation: See



## DEPARTMENT OF REVENUE

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Other Rulings (Not Included Above)  
 Taxability in Other States  
 Taxable year  
 Transferees (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))  
 Transportation Services: See Apportionment  
 Trusts  
 Uniform Penalty and Interest Act Above)  
 Subtraction Modifications  
 Voluntary Disclosure Agreements  
 Waiver on Assessments: See Assessment  
 Withholding  
 Employee Benefits  
 Exemptions  
 Personal Service Contracts (IIITA Sec. 1405.2)  
 Other Rulings (Not Included Above)  
 Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.  
 The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, and 1994, are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

## 3. Name and address of person to contact concerning this information:

Margaret Fortin  
 Legal Services Office  
 101 West Jefferson Street  
 Springfield, Illinois 62794  
 Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1996 FIRST QUARTER SUNSHINE INDEX

## ALLOCATION

IT 96-0051 03/14/1996 General Information Letter: Section 303(b)(1) of the Illinois Income Tax Act provides that "capital gains and losses from sales or exchanges of real property are allocable to this State if the property is located in this State."

## ALTERNATIVE APPORTIONMENT

IT 96-0021 02/14/1996 Private Letter Ruling: The provisions of the Illinois Income Tax Act for allocation and apportionment of partnership income correctly reflect the Illinois business activity of the taxpayer and of its partners and no alternative allocation or apportionment method is called for under Section 304(f) of the Illinois Income Tax Act.

IT 96-0042 03/06/1996 Private Letter Ruling: Denial of a petition alternative apportionment.

IT 96-0060 03/27/1996 Private Letter Ruling: Denial of a petition for alternative apportionment.

## APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 96-0026 02/20/1996 General Information Letter: As a state-chartered bank, the bank must apportion its business income for Illinois Income Tax Act purposes pursuant to Section 304(c) of the Illinois Income Tax Act. Section 304(c)(1) provides that "In general, Business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its business income from all sources."

IT 96-0049 03/13/1996 General Information Letter: Section 304(c)(1) of the Illinois Income Tax Act provides that business income of a financial organization is apportioned to Illinois by multiplying such income by a fraction, the numerator of which is its business income from sources within this State and the denominator of which is its business income from all sources.

## BASE INCOME

IT 96-0006 01/26/1996 General Information Letter: Illinois does not have reciprocal agreements with other states with respect to the income of a sole proprietorship, C corporation, S

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

corporation, partnership or limited liability company.

IT 96-0011 01/30/1996 General Information Letter: Section 203(b) of the  
\$1.25 Illinois Income Tax Act provides that base income of a  
corporation means an amount equal to the taxpayer's taxable  
income for the taxable year subject to the addition and  
subtraction modifications listed in subsection 203(b)(2).

IT 96-0031 02/28/1996 General Information Letter: Section 201 of the  
\$1.25 Illinois Income Tax Act provides a tax measured by net income  
is imposed on every individual, corporation, trust and estate  
for each taxable year on the privilege of earning or receiving  
income in or as a resident of this State. In the case of an  
individual, base income means an amount equal to the  
taxpayer's federal adjusted gross income subject to certain  
statutory addition and subtraction modifications (see IITA  
Section 203).

IT 96-0055 03/20/1996 General Information Letter: Section 203(a)(1) of  
\$1.25 the Illinois Income Tax Act provides that the starting point  
in determining a taxpayer's base income is federal adjusted  
gross income.

IT 96-0057 03/26/1996 General Information Letter: Section 203 of the  
\$1.25 Illinois Income Tax Act provides that an individual's base  
income for Illinois income tax purposes is an amount equal to  
the taxpayer's federal adjusted gross income for the taxable  
year as modified by Section 203(a)(2) of the Illinois Income  
Tax Act.

IT 96-0064 03/29/1996 General Information Letter: Section 203(b) of the  
\$1.25 Illinois Income Tax Act provides that in the case of a  
corporation (including S corporations) base income means an  
amount equal to the taxpayer's taxable income, subject to  
certain statutory addition and subtraction modifications.

## BUSINESS INCOME

IT 96-0046 03/08/1996 General Information Letter: Rental income may be  
\$1.25 classified as either business income or nonbusiness income.  
If the rent is business income it is apportioned to Illinois  
in the same manner as any other source of business income on  
part III of the Form IL-120 or IL-120-X. In computing the  
sales factor portion of the apportionment formula on line 5(c)  
of Part III, business rents received with respect to an office  
located in Illinois are treated as Illinois sales. See 86  
Ill. Adm. Code 100.3370.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## COMPENSATION

IT 96-0062 03/28/1996 General Information Letter: Section 302(a) of the  
\$1.25 Illinois Income Tax Act provides that all items of  
compensation paid in Illinois to an individual nonresident and  
the items of deduction allocable thereto are allocated to  
Illinois.

## CONFIDENTIALITY

IT 96-0019 02/08/1996 General Information Letter: Pursuant to Section  
\$1.25 917(b) of the Illinois Income Tax Act, the Director may  
publish or make available to the public the names and  
addresses of persons filing returns under the Act, or publish  
or make available reasonable statistics concerning the  
operation of the tax wherein the contents of returns are  
grouped into aggregates in such a way that the information  
contained in any individual return shall not be disclosed.

## CREDITS - CREDIT FOR REPLACEMENT TAX PAID

IT 96-0020 02/13/1996 General Information Letter: Section 201(i) of the  
\$1.25 Illinois Income Tax Act provides that "this credit shall be  
computed by multiplying the tax imposed by subsections (c) and  
(d) of this Section by a fraction, the numerator of which is  
base income allocable to Illinois and the denominator of which  
is Illinois base income, and further multiplying the product  
by the tax rate imposed by subsections (a) and (b) of this  
Section.

## CREDITS - JOBS TAX

IT 96-0052 03/18/1996 General Information Letter: Section 201(g) of the  
\$1.25 Illinois Income Tax Act authorizes and Enterprise Zone Jobs  
Tax Credit. The jobs tax credit is in the amount of \$500 per  
eligible employee hired to work in the zone during the taxable  
year.

## CREDITS - REPLACEMENT TAX INVESTMENT

IT 96-0018 02/01/1996 General Information Letter: The credit is for  
\$1.25 investment in qualified property. The qualified property must  
be used in Illinois by a taxpayer that is primarily engaged in  
manufacturing, retailing, coal mining or fluorite mining (see  
IITA Section 203(3)). Although qualified property may be new  
or used, it can not have been previously used in Illinois, in  
such a manner and by such a person as would qualify for the  
credit (see 86 Ill. Adm. Code 100.2101).

## DEPARTMENT OF REVENUE

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## CREDITS - RESEARCH AND DEVELOPMENT

IT 96-0045 03/07/1996 General Information Letter: Section 201(k) of the Illinois Income Tax Act provides a 6.5% credit for qualifying expenditures for increasing research activities in this State.

\$1.25

## DEFICIENCIES

IT 96-0048 03/12/1996 General Information Letter: Section 905(i) of the Illinois Income Tax Act provides in pertinent part that "for purposes of subsection (a)(1), in the case of a tax return required under this Act in respect of a decedent, or by his estate during the period of administration, or by a corporation, the period referred to in such subsection shall be 18 months after a written request for prompt determination of liability is filed with the Department (at such time and in such form and manner as the Department shall by regulations prescribe) by the executor, administrator, or other fiduciary representing the estate of such decedent . . ."

## ESTIMATED TAX

IT 96-0036 02/29/1996 General Information Letter: Section 803(c) of the Illinois Income Tax Act provides that a husband and wife may make joint estimated tax payments as if they were one taxpayer. Section 803(c) provides further that if joint payments are made but the husband and wife elect to file separately, the estimated payments may be treated as the estimated payments of either the husband or the wife, or may be divided between them as they may elect.

\$1.50

## EXEMPT ORGANIZATIONS

IT 96-0012 01/30/1996 General Information Letter: Pursuant to Section 205(a) of the Illinois Income Tax Act, an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.

IT 96-0029

\$1.25 02/27/1996 General Information Letter: Pursuant to Section 205(a) of the Illinois Income Tax Act (the "ITRA") an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code. This

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

exemption would include an exemption from income tax, including the personal property tax replacement income tax and estimated tax payments.

IT 96-0030  
\$1.25

02/27/1996 General Information Letter: Pursuant to Section 205(a) of the Illinois Income Tax Act (the "ITRA") an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code. This exemption would include an exemption from income tax, including the personal property tax replacement income tax and estimated tax payments.

## EXEMPTIONS

IT 96-0053  
\$1.25

03/18/1996 General Information Letter: Section 204(c) of the Illinois Income Tax Act explains that when filing an Illinois income tax return, a taxpayer may claim a dependency exemption for each exemption allowed the taxpayer on his U.S. income tax return.

## MISCELLANEOUS

IT 96-0047  
\$1.25

03/12/1996 General Information Letter: Contrary to the assertion of the taxpayer, the Department's mailing labels do not violate federal law.

IT 96-0065  
\$1.25

03/29/1996 General Information Letter: Section 1a(c) of the Illinois Funeral or Burial Fund Act states, "because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and accumulated earnings will be distributed for the purpose of determining the Illinois income tax due on these trust funds, the principal and any accrued earnings or losses related to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid."

## NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 96-0005  
\$1.50

01/24/1996 General Information Letter: Section 100.2350(c)(3) of the Department's rules provides that the portion of a combined Illinois net loss attributable to a member of a group is an amount equal to the combined Illinois net loss of the group multiplied by a fraction, the numerator of which is what would have been the separate Illinois net



## DEPARTMENT OF REVENUE

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loss of such corporation had a combined return not been filed, and the denominator of which is the sum of what would have been the separate Illinois net losses of all members of the group in such year having such losses.

IT 96-0015

\$1.25

01/30/1996 General Information Letter: The Department is currently developing rules to further explain the use of Illinois loss carryforwards following a statutory merger or acquisition.

IT 96-0027

\$1.25

02/26/1996 Private Letter Ruling: Letter ruling 93-0033 is rescinded. An Illinois net operating loss is established after a return for a loss year is filed, rather than on the due date of a return for the loss year. Furthermore, in the case of a net operating loss carryback, penalties and interest would stop accruing only after the net operating loss carryback is claimed.

IT 96-0037

\$1.25

03/01/1996 General Information Letter: The Illinois Income Tax Act contains no modification applicable to net operating loss deductions taken by individuals in computing federal adjusted gross income. Compare the modifications to federal adjusted gross income for individuals in Section 203(a) of the Illinois Income Tax Act with the provisions in Sections 203(b)(2)(D) and 207 of the Illinois Income Tax Act which provide modifications applicable to net operating loss deductions taken by corporations in computing federal taxable income.

## PARTNERSHIPS

IT 96-0040

\$1.25

03/05/1996 General Information Letter: Section 305(a) of the Illinois Income Tax Act provides that the respective shares of partners other than residents in so much of the business income of the partnership as is allocated or apportioned to this State in the possession of the partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year and allocated to this State.

IT 96-0059

\$1.25

03/27/1996 General Information Letter: Section 1501(a)(16) of the Illinois Income Tax Act provides that the term "partnership" includes a syndicate, group, pool, joint venture or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of the Illinois Income Tax Act, a trust or estate or a corporation; and the

## DEPARTMENT OF REVENUE

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term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

## PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA 804)

IT 96-0035

\$1.00

02/29/1996 Private Letter Ruling: Letter ruling IT 92-0140 is rescinded. The language in Section 804(f) of the Illinois Income Tax Act that refers to the "tax imposed under Article 2 of this Act" means the tax imposed under Article 2 less the credits allowed under Article 2 of the Illinois Income Tax Act. Form IT-2220, Computation of Penalties for Businesses, reflects the Department's position in this matter.

## PENALTIES - OTHER RULINGS

IT 96-0028

\$1.25

02/27/1996 General Information Letter: Section 502(c)(4) of the Illinois Income Tax Act governs the granting of "innocent spouse" relief. Section 502(c)(4) provides in pertinent part that "an innocent spouse shall be relieved of liability for tax (including interest and penalties) for any taxable year for which a joint return has been made, upon submission of proof that the Internal Revenue Service has made a determination under Section 6013(e) of the Internal Revenue Code for the same taxable year, which determination relieved the spouse from liability for federal income taxes.

## PUBLIC LAW 86-272/NEXUS

IT 96-0001

\$1.75

01/02/1996 General Information Letter: General discussion of income tax nexus principles.

IT 96-0008

\$1.50

01/29/1996 General Information Letter: General discussion of income tax nexus principles.

IT 96-0013

\$1.25

01/30/1996 General Information Letter: General discussion of income tax nexus principles.

IT 96-0032

\$1.50

02/28/1996 General Information Letter: General discussion of income tax nexus principles.

IT 96-0034

\$1.75

02/29/1996 General Information Letter: General discussion of income tax nexus principles.

IT 96-0056

\$1.75

03/25/1996 General Information Letter: General discussion of income tax nexus principles.

## REFUNDS - OTHER RULINGS

## DEPARTMENT OF REVENUE

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IT 96-0050 03/13/1996 General Information Letter: Section 901(d)(2) of the Illinois Income Tax Act states that "the Director shall order payment of refunds resulting from overpayments of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers collected pursuant to subsection (d) have been deposited and retained in the Fund.

## REFUNDS - STATUTE OF LIMITATIONS

IT 96-0009 01/29/1996 General Information Letter: Section 911(a)(1) of the Illinois Income Tax Act provides that one of the limitations on filing a claim for refund is that the claim must be filed within "one year after the date tax was paid . . . ." The term "the tax" means tax paid to the State of Illinois.

## RESIDENCY-NONRESIDENCY

IT 96-0010 01/29/1996 General Information Letter: For purposes of Illinois income taxation, the term resident is defined to mean an individual who is in Illinois for other than a temporary or transitory purpose during the taxable year or who is domiciled in Illinois but is absent from Illinois for a temporary or transitory purpose during the taxable year (see ITA Section 1501(a)(20)).

## RETURNS - AMENDED RETURNS

IT 96-0033 02/28/1996 General Information Letter: Section 506(b) of the Illinois Income Tax Act addresses federal changes. This Section provides that if taxable income, any item of income or deduction, or the income tax liability reported in a federal income tax return of any person for any year is altered by amendment of such return or as a result of any other recomputation or redetermination of federal taxable income or loss, and such alteration reflects a change or settlement with respect to any item or items affecting the computation of such person's base income for any year, such person shall notify the Department of such alteration.

## RETURNS - OTHER RULINGS

IT 96-0054 03/19/1996 General Information Letter: With respect to an incompetent taxpayer, Section 502(b)(2) of the Illinois Income Tax Act provides that if an individual is unable to make a return or notice required under the Illinois Income Tax Act, the return or notice required for such individual shall be

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

made by his or her duly authorized agent, guardian, fiduciary or other person charged with the care of the person or property of such individual.

## RETURNS - REQUIREMENTS TO FILE

IT 96-0061 03/28/1996 General Information Letter: Foreign sales corporations are taxable by Illinois and are required to file Illinois income tax returns based on the same rules that apply to all corporations (see Section 502 of the Illinois Income Tax Act).

## S CORPORATIONS

IT 96-0039 03/04/1996 General Information Letter: Any gain or loss properly included in the Company's federal taxable income as the result of its deemed sale of assets pursuant to the Internal Revenue Code Section 338(h)(10) election will be included in the Company's Illinois base income (see ITA Section 203(b)) for Personal Property Tax Replacement Income Tax purposes, and subject to the same modifications and allocation and apportionment provisions as other income.

## SUBTRACTION MODIFICATIONS - HEALTH INSURANCE PREMIUMS PAID BY THE SELF-EMPLOYED

IT 96-0023 02/16/1996 General Information Letter: Public Act 89-418 added Section 203(a)(2)(v) to the Illinois Income Tax Act. This new provision provides for a subtraction modification for self-employed individuals, partners of a partnership or shareholders of a subchapter S corporation for the amount paid for health insurance or long term care insurance premiums that has not been deducted on the individual's federal income tax return.

IT 96-0024 02/16/1996 General Information Letter: Section 203(a)(2)(v) of the Illinois Income Tax Act provides that in order to be eligible for the deduction, a taxpayer must be a self-employed individual, a partner of a partnership, or a shareholder of a subchapter S corporation, pay health insurance premiums or long-term care insurance premiums for the taxpayer, the taxpayer's spouse or dependents, and not be eligible to participate in any health insurance plan offered by the taxpayer's employer (i.e. the taxpayer is self-employed and is also an employee of someone else) or the employer of the taxpayer's spouse.

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IT 96-0025 02/16/1996 General Information Letter: Section 203(a)(2)(V) of the Illinois Income Tax Act provides that the deduction cannot exceed the amount of taxable income attributable to self-employment, partnership or subchapter S income.

IT 96-0038 03/03/1996 General Information Letter: In response to an inquiry as to the chronology of the adoption of the legislation authorizing the subtraction, House Bill 1810 (P.A. 89-418) was passed by the General Assembly and sent to the Governor during the spring 1995 legislative session. The Governor vetoed the bill on August 11, 1995. The Governor's veto was considered by the General Assembly during the fall veto session. On November 3, 1995, the House of Representatives overrode the veto. On November 15, 1995 the Senate also overrode the veto. The law was filed with the Secretary of State's Index Division following the veto override on November 28, 1995 and became P.A. 89-418.

## SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS

IT 96-0022 02/15/1996 General Information Letter: Farmer Mac is a federally chartered instrumentality of the United States and is a part of the Federal Farm Credit System. Securities guaranteed by Farmer Mac are not obligations of the United States and are not guaranteed by the United States or by any agency or instrumentality of the United States other than Farmer Mac. In all relevant respects, obligations guaranteed by Farmer Mac are indistinguishable from obligations guaranteed by the Government National Mortgage Association. Accordingly, consistent with Rockford Life Insurance Co. v. Illinois Dept. of Revenue, 107 S. Ct. 2312 (1987) interest received on securities guaranteed by Farmer Mac is not exempt from Illinois income tax.

## SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 96-0017 01/31/1996 General Information Letter: Section 203(a)(2)(M) of the Illinois Income Tax Act permits a taxpayer to subtract for a given year the bond premium amortization required by Section 171 of the Internal Revenue Code for that year to the extent the taxpayer was prohibited from deducting the amortization by Section 171(a)(2).

IT 96-0043 03/07/1996 General Information Letter: Section 203(a) of the Illinois Income Tax Act provides that in the case of an individual, base income means an amount equal to the taxpayer's federal adjusted gross income for the taxable year subject to the addition and subtraction modifications listed

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in Section 203(a)(2). The Department lacks the authority to authorize a subtraction in the absence of a specific grant of statutory authority for that particular subtraction.

IT 96-0058 03/26/1996 General Information Letter: With respect to an IRA distribution, both individuals and estates are allowed a subtraction modification for amounts included in their federal adjusted gross income (for individuals) or federal taxable income (for estates) pursuant to the provisions of Section 408 of the Internal Revenue Code. (See IITA Sections 203(a)(2)(F) and 203(c)(2)(H))

## SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 96-0007 01/29/1996 General Information Letter: Distributions from government deferred compensation plans under IRC 457 are allowable subtraction modifications under IITA Section 203(a)(2)(F).

IT 96-0014 01/30/1996 General Information Letter: Section 203(a)(2)(F) of the Illinois Income Tax Act provides a subtraction modification with respect to distributions made under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment.

## SUBTRACTION MODIFICATIONS - VALUATION LIMITATION

IT 96-0002 01/05/1996 General Information Letter: The heirs of a decedent do not succeed to the decedent's holding period for purposes of the valuation limitation when the land was acquired through bequest or demise from decedent.

## UNIFORM PENALTY AND INTEREST ACT

IT 96-0003 01/10/1996 General Information Letter: Pursuant to Section 33(b) of the Uniform Penalty and Interest Act, effective January 1, 1994, a penalty of 15% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for the failure to pay: the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act.

## VOLUNTARY DISCLOSURE AGREEMENTS



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IT 96-0044 03/07/1996 General Information Letter: Section 210.126 of the Illinois Administrative Code (86 Ill. Adm. Code 210) sets forth the rules of the Department concerning the Voluntary Disclosure program.

## WITHHOLDING - EXEMPTIONS

IT 96-0041 03/06/1996 General Information Letter: Section 701(a) of the Illinois Income Tax Act sets forth the basic requirements with respect to Illinois income tax withholding. This Section provides in pertinent part that if withholding is required for federal income tax purposes, it will also be required for Illinois income tax purposes.

## WITHHOLDING - OTHER RULINGS

IT 96-0004 01/11/1996 General Information Letter: Section 701(a) of the Illinois Income Tax Act provides in pertinent part that if withholding is required for federal income tax purposes, it will also be required for Illinois income tax purposes.

IT 96-0016 01/30/1996 General Information Letter: Section 100.7070 of the Department's rules addresses the issue of voluntary withholding by providing that any individual receiving periodic payments may enter into an agreement with the payor to provide for withholding of Illinois income tax on such payments. An agreement under this Section between the payor and individual shall be in writing and shall be governed by the provisions of Section 100.7060(b) of the Department's rules.

IT 96-0063 03/29/1996 General Information Letter: Section 100.7000 of the Department's rules (86 Ill. Adm. Code 100.700) provides that Illinois income tax is not required to be withheld on any compensation paid in this State of a character which is not subject to federal income tax withholding.

## DEPARTMENT OF REVENUE

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1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: The Uniform Penalty and Interest Act  
Citation: 35 ILCS 735/3-1 et seq.

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 96-28, the Internal Revenue Service announced that the underpayment rate will be 9% for the period beginning July 1, 1996. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 9% from July 1, 1996 through December 31, 1996.

3. Name and address of person to contact concerning this information:

Keith Staats  
Associate Chief Counsel - Income Tax  
Legal Services Office  
101 West Jefferson Street  
Springfield, Illinois 62794  
Telephone: (217) 782-7055

## CARNIVAL-AMUSEMENT SAFETY BOARD

## NOTICE OF PUBLIC HEARING

The Carnival-Amusement Safety Board will hold a public fact finding hearing as a part in its determination of whether go-karts used in street racing events, commonly advertised as "Go-kart Charity Gran Prix's," are subject to regulation or not.

1) Heading of the Part: Carnival and Amusement Rides Safety Act

2) Code Citation: 56 Ill. Adm. Code 6000

3) Date, Time and Location of Public Hearing:

August 12, 1996  
Monday, 1 p.m.  
Illinois Department of Labor Office  
160 N. LaSalle St., Suite C-1300  
Chicago, IL 60601-3150

4) Other Pertinent Information:

The Department of Labor believes that go-karts used in street racing events, commonly advertised as "Go-Kart Charity Gran Prix's", which are not sanctioned by a nationally recognized racing association, present a hazard to the public and are subject to regulation under the Carnival and Amusement Rides Safety Act. The Department has asked the Board for inspection guidelines in order to regulate these events and assure that established safety standards are adhered to. The board is seeking additional input from all interested parties before taking any action on the Department's request for guidelines.

The guidelines would not affect any event which is sanctioned under the auspices of a nationally recognized organization such as the World Karting Association, International Karting Federation and others.

Written comments will be accepted until September 16, 1996.

5) Name and Address of Agency Contact Person:

Scott D. Miller, Chief Legal Counsel  
Illinois Department of Labor  
160 N. LaSalle St., Suite C-1300  
Chicago, IL 60601  
(312) 793-1805

## CARNIVAL-AMUSEMENT SAFETY BOARD

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a) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.10

1) Rulemaking:

A) Description: ASTM, the American Society for Testing and Material, recently moved to a different location. This change is being made to reflect their current address.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments are published.

D) Date agency anticipates First Notice: The Board anticipates publishing the first notice in August.

E) Information concerning this regulatory agenda shall be directed to:

Carl Kimble, P.E.  
Chief Inspector  
Illinois Department of Labor  
1 W. Old State Capitol Plaza, Room 300  
Springfield, IL 62701  
(217) 782-9347

F) Will this rule/amendment affect small business, small municipalities or not for profit corporations? No.

G) Other pertinent information concerning this rule/amendment:  
None

b) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.10

1) Rulemaking:

A) Description: The Board will be reviewing the term "for public use" as used in the Act and defining it as it relates to the rental of amusement rides and amusement attraction.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed

## CARNIVAL-AMUSEMENT SAFETY BOARD

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Amendments are published.

D) Date agency anticipates First Notice: The Board anticipates publishing the first notice in August.

E) Information concerning this regulatory agenda shall be directed to:

Scott Miller  
Chief Legal Counsel  
Illinois Department of Labor  
State of Illinois Building  
160 N. LaSalle, Suite C-1300  
Chicago, IL 60601-3150

F) Will this rule/amendment affect small business, small municipalities or not for profit corporations? Yes, the public hearing is being held to obtain public input and determine the extent.

G) Other pertinent information concerning this rule/amendment: None

c) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.50(c)

1) Rulemaking:

A) Description: At the January 20, 1996 meeting of the Board, they voted to change the time limit on doubling of the fees from 30 days to 45 days. This amendment will implement that action.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments are published.

D) Date agency anticipates First Notice: The Board anticipates publishing the first notice in August.

E) Information concerning this regulatory agenda shall be directed to:

Carl Kimble, P.E.  
Chief Inspector  
Illinois Department of Labor  
1 W. Old State Capitol Plaza, Room 300

## CARNIVAL-AMUSEMENT SAFETY BOARD

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Springfield, IL 62701  
(217) 782-9347

F) Will this rule/amendment affect small business, small municipalities or not for profit corporations? Yes, this amendment will allow the licensees 15 additional days in which to pay their fees before the fees are doubled.

G) Other pertinent information concerning this rule/amendment: None

d) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.220(a)

1) Rulemaking:

A) Description: The Department has asked the Board to update the electrical inspection requirements from the 1987 edition of the National Electrical Code to those of the 1996 edition.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments are published.

D) Date agency anticipates First Notice: The Board anticipates publishing the first notice in August.

E) Information concerning this regulatory agenda shall be directed to:

Carl Kimble, P.E.  
Chief Inspector  
Illinois Department of Labor  
1 W. Old State Capitol Plaza, Room 300  
Springfield, IL 62701  
(217) 782-9347

F) Will this amendment affect small business, small municipalities or not for profit corporations? Yes, this amendment will affect those licensees who are not presently in compliance with the requirements of the 1996 edition of the Code.

G) Other pertinent information concerning this rule amendment:  
None



## CARNIVAL-AMUSEMENT SAFETY BOARD

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- e) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.300

1) Rulemaking:

A) Description: The Department of Labor believes that go-karts used in street racing events, commonly advertised as "Go-Kart Charity Gran Prix's", which are not sanctioned by a nationally recognized racing association present a hazard to the public and are subject to regulation under the Carnival and Amusement Rides Safety Act. The Department has asked the Board for inspection guidelines in order to regulate these events and assure that established safety standards are adhered to. The Board is seeking additional input from all interested parties before taking any action on the Department's request for guidelines.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: A public hearing will be held at the Illinois Department of Labor, 160 N. LaSalle St., Suite C-1300, Chicago, Illinois 60601-3150 at 1 PM, August 12, 1996.

Written comments will be accepted until September 16, 1996.

D) Date agency anticipates First Notice: February 1997

E) Information concerning this regulatory agenda shall be directed to:

Scott Miller  
Chief Legal Counsel  
Illinois Department of Labor  
State of Illinois Building  
160 N. LaSalle, Suite C-1300  
Chicago, IL 60601-3150

F) Will this rule/amendment affect small business, small municipalities or not for profit corporations? Yes, the public hearing is being held to evaluate the safety concerns and to determine the extent.

G) Other pertinent information concerning this rule/amendment:  
This proposal will not affect events sanctioned under the auspices of a nationally recognized organization such as the World Karting Association, International Karting Federation, and others.

## COMPTROLLER MERIT COMMISSION

## JULY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

A) Description: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].

C) Schedule meeting/hearing date: July 18, 1996, August 15, 1996, September 19, 1996, October 17, 1996, November 21, 1996, December 19, 1996.

D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes.

E) Effect on small business, small municipalities or not for profit corporations: N/A

F) Agency contact person for information:

Marylou Lowder Kent, Chair  
Comptroller Merit Commission  
325 West Adams Street  
Springfield, IL 62704-1858  
(217) 785-1127

G) Related rulemakings and other pertinent information: N/A

## HEALTH FACILITIES PLANNING BOARD

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- a) Part(s) (Heading and Code Citation): Narrative & Planning Policies; 77 Ill. Adm. Code 1100

1) Rulemaking:

A) Description: Part 1100 will be amended to change the definition of planning areas, including but not limited to acute care services and general long-term care services, to change bed need methodology for obstetrics and other services such as magnetic resonance and end stage renal disease services, and to revise and clarify certain definitions.

B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to Illinois Register publication. An August 1996 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1100 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, 2nd Floor  
Springfield, IL 62761  
(217) 782-3516

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1110

1) Rulemaking:

A) Description: Part 1110 will be amended to revise certificate of need services criteria, concerning but not limited to the Magnetic Resonance Imaging (MRI), Therapeutic Radiology and

## HEALTH FACILITIES PLANNING BOARD

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possibly Acute Mental Illness categories of service.

B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to Illinois Register publication. A December 1996 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1110 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, 2nd Floor  
Springfield, IL 62761  
(217) 782-3516

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Health Facilities Planning Financial and Economic Feasibility Review; 77 Ill. Adm. Code 1120

1) Rulemaking:

A) Description: Part 1120 will undergo a complete revision to reflect the changes occurring in the health care marketplace. Amendments will involve the type and scope of review standards utilized for evaluation of a prospective project for financial and economic feasibility.

B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal

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F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, Second Floor  
Springfield, IL 62761  
(217) 782-3516

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Practice and Procedure in Administrative Hearings; 77 Ill. Adm. Code 1190

1) Rulemaking:

A) Description: Part 1190 contains provisions on the assessment of fees for certificate of need, exemptions and other applications. The rules will be amended to change the fee structure, increase the maximum fee amount and to assess fees for certain transactions requiring State Board reviews.

B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. A July 1996 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments or not for anticipated to have an adverse impact upon health care facilities, although there may be an impact on those facilities which propose large construction projects, i.e., those with expenditures exceeding \$30 million.

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, Second Floor  
Springfield, IL 62761

## HEALTH FACILITIES PLANNING BOARD

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must be approved by the Board prior to *Illinois Register* publication. An October 1996 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1120 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, Second Floor  
Springfield, IL 62761  
(217) 782-3516

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Health Facilities Planning Board Procedural Rules; 77 Ill. Adm. Code 1130

1) Rulemaking:

A) Description: Part 1130 will be amended to revise procedural rules concerning clarification of transactions that are by or on behalf of a health care facility, changes to exemption requirements for certain transactions, revisions to post permit requirements such as definition of obligation, tolling of permit expiration dates due to litigation, revision to capital expenditure thresholds, and definition of project.

B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Proposed amendments must be approved by the Board prior to *Illinois Register* publication. An October 1996 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1130 are not anticipated to have an adverse impact upon health care facilities.



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(217) 782-3516

G) Related rulemakings and other pertinent information: None

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a) Part(s) (Heading and Code Citation): Prior Notification of Dividends on Common Stock and Other Distributions, 50 Ill. Adm. Code 855.1) Rulemaking:A) Description: This amendment will require that a company filing a notification of a pending dividend distribution provide its revised risk based capital calculation.B) Statutory Authority: 215 ILCS 5/131.16, 131.20a(2) and 401.C) Scheduled meeting/hearing date: None scheduled.D) Date agency anticipates First Notice: August 1, 1996.E) Affect on small businesses, small municipalities or not for profit corporations: No affect.F) Agency contact person for information:

Cynthia Stephenson  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-1785

G) Related rulemakings and other pertinent information: None.b) Part(s) (Heading and Code Citation): Annual Audited Financial Report, 50 Ill. Adm. Code 925.1) Rulemaking:A) Description: This amendment will involve technical corrections to the rule. It will correct an unintended exemption for a few companies which occurred with the adoption of a prior amendment to this regulation. Also the previous amendment should have deleted a word which was overlooked.B) Statutory Authority: 215 ILCS 5/132.1, 132.7, 136, 401 and 402.C) Scheduled meeting/hearing date: None scheduled.D) Date agency anticipates First Notice: August 1, 1996.E) Affect on small businesses, small municipalities or not for profit corporations: No affect.

DEPARTMENT OF INSURANCE  
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F) Agency contact person for information:

Cynthia Stephenson  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-1785

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Privilege Tax Offset Reporting, 50 Ill. Adm. Code 2505.

1) Rulemaking:

A) Description: Part 2505 will establish a form and auditing procedure to be used to verify the unitary filing of corporate and replacement income tax as an offset to the annual privilege tax pursuant to Section 409(2)(b) of the Illinois Insurance Code.

B) Statutory Authority: 215 ILCS 5/409 and 35 ILCS 5/1501.

C) Scheduled meeting/hearing date: No hearings have been scheduled. A random sample of insurance companies have been asked to allocate their Unitary tax offset per the requirement of our proposed rule. Their consensus was a method to be reasonable, consistent and to require an allocation itemization. These companies have asked that the method the Department proposes be one which treats all Unitary groups equally and that it be applied prospectively.

D) Date agency anticipates First Notice: July 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: No affect.

F) Agency contact person for information:

John O'Brien  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-0055

G) Related rulemakings and other pertinent information: The

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Department of Revenue has recently required insurance companies to file their income tax returns using the Unitary method. The Unitary method requires one payment for the income tax due for all companies in the group. Section 409 of the Insurance Code allows an offset to the privilege tax for any amount paid as a tax measured by net income. This rule will establish an allocation of the one income tax payment to all the members of the Unitary Group. Establishing the criteria for the allocation of the corporate and replacement income tax offset by a Unitary Group filing will improve the fairness and capability of auditing the offsets to the privilege tax. The allocation of the total income tax paid will be based on the Illinois premium written (including annuities) by each individual company as a percent of the Unitary Group total. The percentage would then be applied to the corporate and replacement income tax paid.

d) Part(s) (Heading and Code Citation): Annual Statements, 50 Ill. Adm. Code 4404.

1) Rulemaking:

A) Description: This new rule will clarify the annual statements that must be filed by Article 3 and 4 pension funds.

B) Statutory Authority: 40 ILCS 5/22-501.1.

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: October 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: Small municipalities that have pension funds pursuant to Article 3 or 4 will be required to comply with this new rule.

F) Agency contact person for information:

Thomas R. Jones  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-1781

e) Part(s) (Heading and Code Citation): Electronic Filing of Reports, 50

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Ill. Adm. Code 4405.

1) Rulemaking:

A) Description: This new rule will require Article 3 and 4 pension funds to file their annual financial reports electronically.

B) Statutory Authority: 40 ILCS 5/22-501.1.

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: August 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: Small municipalities that have pension funds pursuant to Article 3 or 4 will be required to comply with this new rule.

F) Agency contact person for information:

Thomas R. Jones  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-1781

G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citation): Long-Term Care Partnership Insurance, 50 Ill. Adm. Code 2018.

1) Rulemaking:

A) Description: The passage of HB 2533 into law will require the Department to amend our partnership regulation. These amendments will include revisions to the definition section, include language regarding premium rates and add a requirement for use of "Benefit Triggers" and their standards. Additionally, the Department will be adding appendices for a Personal Worksheet, Suitability Letter and a Buyer's Guide.

B) Statutory Authority: 320 ILCS 35/30 and 215 ILCS 5/401.

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

## DEPARTMENT OF INSURANCE

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D) Date agency anticipates First Notice: July 15, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: No affect.

F) Agency contact person for information:

Charles J. Budinger  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-4572

G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Traditional Long-Term Care Insurance, 50 Ill. Adm. Code 2012.

1) Rulemaking:

A) Description: The Department will be amending this regulation to bring it in line with the NAIC model from whom we obtain accreditation.

B) Statutory Authority: 215 ILCS 5/351A-11.

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: July 1, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: No affect.

F) Agency contact person for information:

Linda Smith  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/785-7350

G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Viatical Settlements, 50 Ill. Adm. Code 2019.



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1) Rulemaking:

A) Description: The passage of HB 1796 into law will require the Department to promulgate a new regulation on viatical agreements. The Department will be using the NAIC model to establish our regulatory requirements.

B) Statutory Authority: Viatical Settlements Act.

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: July 1, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: No affect.

F) Agency contact person for information:

Ron Kotowski  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-4254

G) Related rulemakings and other pertinent information: None.

i) Part(s) (Heading and Code Citation): Preferred Provider Program Administrators, 50 Ill. Adm. Code 2051.

1) Rulemaking:

A) Description: The proposed amendments will provide clarification of registration and operating requirements.

B) Statutory Authority: 215 ILCS 5/370f-r.

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: November 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: No affect.

F) Agency contact person for information:

## DEPARTMENT OF INSURANCE

## JULY 1996 REGULATORY AGENDA

Ron Kotowski  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: 217/782-4254

G) Related rulemakings and other pertinent information: None.

## DEPARTMENT OF LABOR

## JULY 1996 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Prevailing Wage Act, code citation is not yet determined.

1) Rulemaking:

A) Description: The proposed rulemaking implements Public Act 88-359, Section 5 (c) (codified at 820 ILCS 130/11b (c)), an amendment to the Prevailing Wage Act, 820 ILCS 130/0.01-12 (1994), that requires the Director of Labor to investigate alleged discharge or discipline of "whistle blowers" under the Act and to take affirmative actions to abate such conduct, including but not limited to, ordering the rehiring or reinstatement of whistle blowers with back pay.

B) Statutory Authority: Prevailing Wage Act, 820 ILCS 130/11b (c) (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will implement a procedure under which the Director of Labor may order employers (including small businesses and not for profit corporations) to reinstate with back pay those individuals that they discharged or disciplined for "blowing the whistle" under the Prevailing Wage Act. Public sector employment is not within the remedial scope of the Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller  
Chief Legal Counsel  
Address: Illinois Department of Labor  
160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Arbitration Policies, Functions, and Procedures, 56 Ill. Adm. Code 110.

1) Rulemaking:

## DEPARTMENT OF LABOR

## JULY 1996 REGULATORY AGENDA

A) Description: The proposed rulemaking will update the regulations under the Labor Arbitration Services Act, 710 ILCS 15/1-14 (1994), and adjust the Illinois Department of Labor's administration of the Act accordingly, including but not limited to, increasing the administrative filing fee charged by the Illinois Arbitration Service and increasing the per diem fee charged by arbitrators, except Illinois Department of Labor employees.

B) Statutory Authority: Labor Arbitration Services Act, 710 ILCS 10/3 (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will increase the fees for services rendered by the Illinois Arbitration Service.

F) Agency contact person for information:

Name: Scott D. Miller  
Chief Legal Counsel  
Address: Illinois Department of Labor  
160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Minimum Wage Law, 56 Ill. Adm. Code 210.

1) Rulemaking:

A) Description: The proposed rulemaking will:

- i) implement Public Act 89-453 (codified at 820 ILCS 105/4a (2) (E)), an amendment to the Minimum Wage Law, 820 ILCS 105/1-15 (1994), that exempts certain radio and television stations in small communities from paying overtime to announcers, news editors, and chief engineers; and
- ii) provide a procedure for the Director of the Illinois Department of Labor to grant continuances in informal investigative conferences.

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B) Statutory Authority: Minimum Wage Law, 820 ILCS 105/10 (a) (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify the scope of Public Act 89-453 and accommodate an employer's or complainant's legitimate need for a continuance during an informal investigative conference. The public sector is exempt from paying overtime under the Minimum Wage Law. Thus, small municipalities will not be affected by the proposed rulemaking addressing Public Act 89-453.

F) Agency contact person for information:

Name: Scott D. Miller  
Chief Legal Counsel  
Address: Illinois Department of Labor  
160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Six Day Week Law, 56 Ill. Adm. Code 220.

1) Rulemaking:

A) Description: This proposed rulemaking will update the regulations under the One Day Rest in Seven Act, 820 ILCS 140/1-9 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly to cover the practices of modern day business, including but not limited to, providing standards for the granting and denying of permits authorizing the employment of persons for 7 days of work for more than 8 weeks in any one year.

B) Statutory Authority: One Day Rest in Seven Act, 820 ILCS 140/6 (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

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E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will affect small businesses and not for profit corporations by requiring them to substantiate the business necessity and economic conditions that call for such permits. The public sector is not within the remedial scope of the One Day Rest in Seven Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller  
Chief Legal Counsel  
Address: Illinois Department of Labor  
160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Payment and Collection of Wages or Final Compensation, 56 Ill. Adm. 300

1) Rulemaking:

A) Description: This proposed rulemaking will update the regulations under the Illinois Wage Payment and Collection, 820 ILCS 115/1-15 (1995) and adjust the Illinois Department of Labor's administration of the Act accordingly, including but not limited to, defining statutory terms and harmonizing the Department's investigative process under the Act with analogous investigative processes under the Director's and the Department's jurisdiction.

B) Statutory Authority: Illinois Wage Payment and Collection, 820 ILCS 115/12 (1995).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify an employer's duty under the Act.

F) Agency contact person for information:

Name: Scott D. Miller



## DEPARTMENT OF LABOR

## JULY 1996 REGULATORY AGENDA

Chief Legal Counsel  
Illinois Department of Labor  
Address: 160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Health and Safety, 56 Ill. Adm. Code 350.

1) Rulemaking:A) Description: The proposed rulemaking will:

- i) update the Illinois Department of Labor's occupational safety and health standards. Section 4 of the Health and Safety Act (820 ILCS 225/4 (1994)) states that all federal occupational safety and health standards promulgated, modified, or revoked by the U.S. Secretary of Labor shall be made rules of the Director of the Illinois Department of Labor. Adoption of these rules ensures that public sector workers are provided with the same level of protection that is afforded to private sector workers within the State; and,
- ii) amend 56 Ill. Adm. Code 350.195 to provide that hearings under Part 350 will be conducted in accordance with the Administrative Procedure Act and the Department's rules under 68 Ill. Adm. Code 680.230.

B) Statutory Authority: Safety Inspection and Education Act, 820 ILCS 220/2 (K) (1994) and Health and Safety Act, 820 ILCS 225/7 (1994).

C) Schedule meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Due to the preemptive effect of the federal OSH Act, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

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Savings will be realized due to fewer workplace injuries and occupational diseases, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

The amendment to 56 Ill. Adm. Code 350.195 will harmonize the Director of Labor's administration of contested cases under the Safety Inspection and Education Act and Health and Safety Act with the Director's and the Department of Labor's administration of all other contest cases under the jurisdiction of the Director of the Department, except for those cases conducted by the Department pursuant to Section 11a of the Prevailing Wage Act.

F) Agency contact person for information:

1) Name: Scott D. Miller  
Chief Legal Counsel  
Address: Ill. Department of Labor  
160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

2) Name: Lenore Killam  
Address: Ill. Department of Labor  
1 W. Old State Capital Plaza  
Room 300  
Telephone: (217) 782-9386

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Right to Privacy in the Workplace Act, 56 Ill. Adm. Code 360.

1) Rulemaking:

A) Description: The proposed rulemaking will update the regulations under the Right to Privacy in the Workplace Act, 820 ILCS 55/1-20 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly to increase the filing deadline for complaints and to reflect the changes in the workplace that have occurred after the Equal Employment Opportunity Commission issued regulations under the Americans with Disability Act.

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- B) Statutory Authority: Right to Privacy in the Workplace Act, 820 ILCS 55/15 (a) (1994).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will provide a realistic filing deadline for an aggrieved person and will clarify an employer's duty under the Act.

F) Agency contact person for information:

Name: Scott D. Miller  
Chief Legal Counsel  
Address: Illinois Department of Labor  
160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): Rules and Regulations Relating to the Operation of Private Employment Agencies, 68 Ill. Adm. Code 680.100.

1) Rulemaking:

- A) Description: The proposed rulemaking will update the regulations under the Private Employment Agency Act, 225 ILCS 515/0.01-15 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly to reflect recent amendments to the Act and to cover the modern day practices of employment agencies.

- B) Statutory Authority: Private Employment Agency Act, 225 ILCS 515/1 (1994).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify the duties of all business and not for profit corporations covered by the Private Employment Agency Act. The public sector is not within the remedial scope of the Private Employment Agency Act. Thus, small municipalities will not be affected by the proposed

## DEPARTMENT OF LABOR

## JULY 1996 REGULATORY AGENDA

rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller  
Chief Legal Counsel  
Address: Illinois Department of Labor  
160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

- G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): Nurse Agency Licensing Act, 68 Ill. Adm. Code 690.

1) Rulemaking:

- A) Description: The proposed rulemaking will update the regulations under the Nurse Agency Licensing Act, 225 ILCS 510/1-15 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly, including but not limited to, enhancing licensure requirements and establishing a late fee for an agency that applies to renew a license after its expiration date.

- B) Statutory Authority: Nurse Agency Licensing Act, 225 ILCS 510/15 (1994).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify the duties and liabilities of all business and not for profit corporations that employ, assign or refer nurses or certified nurse aids to health care facilities for a fee. The public sector is not within the remedial scope of the Nurse Agency Licensing Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller  
Chief Legal Counsel  
Address: Illinois Department of Labor

## DEPARTMENT OF LABOR

## JULY 1996 REGULATORY AGENDA

160 North LaSalle Street  
Suite C-1300  
Chicago, Illinois 60601  
Telephone: (312) 793-1811

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NUCLEAR SAFETY

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- a) Part (Heading and Code Citation): Manufacture and Distribution of Radioactive Material, 32 Ill. Adm. Code 327

1) Rulemaking:

- A) Description: The Department is proposing this rulemaking in response to comments received from the regulated community that the Department consider streamlining the licensing requirements for radioactive materials contained in 32 Ill. Adm. Code 330. This new Part describes procedures and special requirements for a specific license to manufacture, assemble, repair, import or distribute commodities, products, sealed sources or devices that are designed to contain radioactive material. This Part also describes the procedures and requirements for the issuance of safety evaluation sheets to licensees who manufacture or initially transfer sealed sources or devices containing sealed sources.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (410 ILCS 40).

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the Illinois Register version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: August 1996

- E) Affect on small businesses, small municipalities and not for profit corporations: The Department believes that this rule may affect small businesses and not for profit corporations if they chose to manufacture sealed sources or devices. The Department does not believe these rules will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-5133 (TDD)

- G) Related rulemakings and other pertinent information: In addition to this new rule, the Department is proposing to repeal current Part 330 and replace it with new Parts 328, 329 and 330.

- b) Part (Heading and Code Citation): Exempt Radioactive Material, 32 Ill.



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## Adm. Code 328

## 1) Rulemaking:

A) Description: The Department is proposing this rulemaking in response to comments received from the regulated community that the Department consider streamlining the licensing requirements for radioactive materials contained in 32 Ill. Adm. Code 330. This new Part describes the conditions under which an individual will be considered exempt from the licensing requirements of 32 Ill. Adm. Code 330.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the Illinois Register version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: August 1996

E) Affect on small businesses, small municipalities and not for profit corporations: The Department believes that these rules impose no direct impact on any small business, small municipalities and not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: In addition to this new rule, the Department is proposing to repeal current part 330 and replace it with new Parts 327, 329 and 330.

c) Part (Heading and Code Citation): General License for Radioactive Material, 32 Ill. Adm. Code 329

## 1) Rulemaking:

A) Description: The Department is proposing this rulemaking in response to comments received from the regulated community that the Department consider streamlining the licensing requirements

## DEPARTMENT OF NUCLEAR SAFETY

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for radioactive materials contained in 32 Ill. Adm. Code 330. This new Part provides for the issuance of a general license for possession and use of certain types and quantities of radioactive material.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the Illinois Register version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: August 1996

E) Affect on small businesses, small municipalities and not for profit corporations: The Department believes that these rules impose no direct impact on any small business, small municipalities and not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: In addition to this new rule, the Department is proposing to repeal current Part 330 and replace it with new Parts 327, 328 and 330.

d) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

## 1) Rulemaking:

A) Description: The Department is proposing to repeal this rule and replace it with a new rule. The Department is taking this action to streamline this Part by breaking it into separate Parts which will benefit the regulated community. These Proposed New Parts are as follows: (1) Part 327 - "Manufacture and Distribution of Radioactive Material"; (2) Part 328 - "Exempt Radioactive Material"; (3) Part 329 - "General Licenses for Radioactive Material"; and (4) Part 330 - "Specific Licenses for Radioactive Material".

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B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the Illinois Register version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: August 1996

E) Affect on small businesses, small municipalities or not for profit corporations: This repealer does not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: The Department is proposing a new Part 330 which will replace this repealer.

e) Part (Heading and Code Citation): Specific Licenses for Radioactive Material, 32 Ill. Adm. Code 330

1) Rulemaking:

A) Description: The Department is proposing to repeal its current rules entitled "Licensing of Radioactive Material", 32 Ill. Adm. Code 330, and replace it with this new rule. The Department is taking this action in response to comments received from the regulated community that the Department consider streamlining the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part establishes requirement for issuance of a license to possess and use radioactive material. This Part sets forth the requirement that no person shall receive, possess, use, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing radioactive material except as authorized in a specific or general license issued pursuant to the requirements of this Part or as otherwise provided in 32 Ill. Adm. Code. This Part also prescribes the requirements for the issuance of specific licenses of broad scope for radioactive material and

## DEPARTMENT OF NUCLEAR SAFETY

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certain regulations governing holders of such licenses.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the Illinois Register version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: August 1996

E) Affect on small businesses, small municipalities and not for profit corporations: The Department believes that this rule may affect small businesses and not for profit corporations if they choose to manufacture sealed sources or devices. The Department does not believe these rules will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: The Department is proposing new Part 330 which will replace the repealer.

f) Part (Heading and Code Citation): Licensing Requirements for Source Material Milling Facilities, 32 Ill. Adm. Code 332

1) Rulemaking:

A) Description: The Department is amending the rule to meet NRC's Part 20 compatibility issues. The Department is proposing to: (a) update citations to federal regulations that are incorporated by reference; (b) update citations to other Department regulations that are incorporated by reference; (c) add citations to the Illinois Compiled Statutes (ILCS); (d) delete the definitions of "Monitoring", "Restricted area", "Source material" and "Special nuclear material" from the definition section because these terms have been defined in 32 Ill. Adm. Code 310; (e) add an Agency Note to the definition of "Reclamation" to clarify the Department's position in response to NRC compatibility concerns; and (f) make

## DEPARTMENT OF NUCLEAR SAFETY

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editorial changes to clarify the text so that the style of this rule is consistent with other Department rules.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: September 1996

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe that this amendments will have an affect on any small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Transportation of Radioactive Material, 32 Ill. Adm. Code 341

1) Rulemaking:

A) Description: The Department is proposing this amendment to incorporate the changes made by the Department of Transportation in their rules that became effective 4/1/96. These changes were based on the changes made to 49 CFR.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40], Section 20/9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and Section 71(G) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(G)].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register*

## DEPARTMENT OF NUCLEAR SAFETY

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version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: October 1996

E) Affect on small businesses, small municipalities and not for profit corporations: The Department believes that this rule will not impact small businesses, small municipalities and not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 18, 1996 through June 24, 1996 and have been scheduled for review by the Committee at its July 23, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/3/96	Department of Public Aid, Refugee Entrant/Repatriate Program (89 Ill Adm Code 115)	4/12/96 20 Ill Reg 5466	7/23/96
8/7/96	Commissioner of Banks and Trust Companies, Repeal of Electronic Fund Transfers (38 Ill Adm Code 310)	3/29/96 20 Ill Reg 4850	7/23/96
8/7/96	Commissioner of Banks and Trust Companies, Electronic Fund Transfers (38 Ill Adm Code 315)	3/29/96 20 Ill Reg 4871	7/23/96
8/7/96	Commissioner of Banks and Trust Companies, Corporate Fiduciary Subsidiaries (38 Ill Adm Code 396)	2/16/96 20 Ill Reg 2638	7/23/96

## PROCLAMATIONS

96-285

## ANGELA RINALDI COMMEMDED

Whereas, Angela Rinaldi is the daughter of the late Alex and Mary Fosco of the Little Italy area of Chicago, and she has a brother, World War II veteran Alex Fosco, and three sisters, Anne Tallani, Rosemary Chachula and Georgianna DeMory; and

Whereas, Angela graduated from St. Patrick's Girls High School in Chicago and enjoys photography, reading, dancing and singing; and

Whereas, she began her banking career 49 years ago and is currently the First Vice President and Division Head with LaSalle National Bank in Chicago; and

Whereas, in addition, she has served as a member of several boards. She currently serves as President of the Association of Chicago Bank Women and was recently appointed for a second year to the Board of Governors of the Metropolitan Club; and

Whereas, Angela Rinaldi has been a member of the Guido Belmonte Post #4 of the Italian American War Veterans (ITAW) of the U.S. Illinois Auxiliary and is the 1995-96 State President;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend ANGELA RINALDI for her participation in the ITAW Ladies Auxiliary and to her contributions to her community.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

96-286

## BILL WARD DAY

Whereas, Professor William G. Ward has announced his retirement after a distinguished tenure at Southern Illinois University at Edwardsville; and

Whereas, Ward's extensive teaching career has included educating students at high schools in Montana, California and Minnesota and students at Syracuse University and the University of Nevada; and

Whereas, Ward came to Southern Illinois University at Edwardsville in 1969 to establish a journalism major program at the school and has served as its director since its inception, adding the element of fear into his teaching of reporting, writing and photography; and

Whereas, Ward has authored several books, ranging from his collection of "Saturday Reading" musings about the travails and delights of life to texts for high school and college journalists on such subjects as creative writing, photography and editorial leadership; and

Whereas, Ward has been the author of several essays to newspapers and magazines and has been the recipient of numerous awards, including the Southern Illinois University at Edwardsville alumni association Great Teacher Award; and

Whereas, Ward has educated thousands of students, now working at some of the nation's most respected publications, corporations, universities and other fields of endeavor, most of whom lacked the appreciation of what they were being taught until they prospered in their own careers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 15, 1996, as BILL WARD DAY in Illinois in honor of his many accomplishments and

offer my best wishes for continued success.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

## 96-287

## CRIMSON EXPRESS MARCHING BAND DAYS

Whereas, the Crimson Express, Murphysboro High School's Marching Band, has been invited to the 1996 Calgary Stampede; and

Whereas, the Crimson Express Marching Band has participated in several performances, parades and competitions throughout the Midwest, the Eastern United States and Saskatchewan, Canada; and

Whereas, the Crimson Express Marching Band should be commended for representing Illinois in the 1996 Calgary Stampede events and the World Championships for Marching Show Bands;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 5-14, 1996 as the CRIMSON EXPRESS MARCHING BAND DAYS in Illinois.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

## 96-288

## IRV "KUP" KUPCINET/LITTLE CITY FOUNDATION MONTH

Whereas, Irv "Kup" Kupcinet is a Chicago Sun-Times columnist known for his involvement in politics, entertainment, sports and business and his column is the most widely read feature in Chicago; and

Whereas, in 1934 Kup graduated from the University of North Dakota with a degree in Journalism and later played professional football with the Philadelphia Eagles; and

Whereas, he became a sports writer for the Chicago Times in 1935 because of a football injury; and

Whereas, Kup and Jack Brickhouse broadcast Chicago Bears games on the radio for 24 years; and

Whereas, in addition, he had a 27-year television show that premiered in 1959 and won the Peabody Award and 16 local Emmy Awards; and

Whereas, he is a member of four Halls of Fame: Journalism, Sports in Chicago, the University of North Dakota and the National Jewish Hall of Fame; and

Whereas, Kup is the founder and host of the annual Chicago Sun-Times Purple Heart Cruise for veterans; and

Whereas, in 1986, the Wabash Avenue Bridge was named the Irv Kupcinet Bridge; and

Whereas, Kup has served on the Little City Foundation's Board of Consultants with the goal to improve the lives of people with developmental challenges; and

Whereas, Kup will be named the 1996 Little City's Board Member of the Year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1996 as IRV "KUP" KUPCINET/LITTLE CITY FOUNDATION MONTH in Illinois.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

## 96-289

## JOHN DEBELLA COMMEMDED

Whereas, John DeBella was born in Chicago, the son of Michael and Anna DeBella and the youngest of 12 children; and

Whereas, he began working for the Walgreen Company in 1948 in the Inventory Control Department and entered the U.S. Marine Corps in 1951; and

Whereas, he married Patricia after the Korean War and the two were blessed with a son, John, a daughter, Patti, and later, grandchildren named Victoria and Benjamin;

Whereas, after his military service, he went into the family business, the Belmont Cabinet Company, where he retired after 35 years; and

Whereas, John DeBella joined the Italian American War Veterans (ITAM) in 1975, he has since held almost every office on the local level and he is now the ITAM State Commander; and

Whereas, he also is a member of several Italian American and fraternal organizations and is active in the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend JOHN DEBELLA for his extraordinary service to his country and to the citizens of Illinois.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

## 96-290

## OHIO RIVER SWEEP DAY

Whereas, the Ohio River Valley Water Sanitation Commission (ORSANCO), in partnership with Ashland Inc., has conducted the Ohio River Sweep, a riverbank cleanup, since 1989; and

Whereas, the efforts to restore and preserve the natural beauty and valuable resources of the Ohio River have involved the Illinois Environmental Protection Agency, the Kentucky Natural Resources and Environmental Protection Cabinet, the Ohio Department of Natural Resources and Ohio Environmental Protection Agency, the Indiana Department of Environmental Management, the Pennsylvania Department of Environmental Protection, and the West Virginia "Make it Shine" Program; and

Whereas, more than 120,000 volunteers from six states -- Illinois, Kentucky, Ohio, West Virginia, Indiana and Pennsylvania --- have cleaned up in excess of 60,000 tons of trash during the Sweep since 1989; and

Whereas, the annual event has been successful in attracting the support and involvement of businesses, individuals, and schools; and

Whereas, the Sweep has dramatically increased public awareness of the Ohio River's significance and has thus contributed to its enhancement and protection for the benefit of present and future generations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 15, 1996, as OHIO RIVER SWEEP DAY in Illinois.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

## 96-291

## RIDESHARE WEEK

Whereas, ridesharing is an important component of the comprehensive strategy of the St. Louis Regional Clean Air Partnership; and  
 Whereas, the participation of the Citizens of Southwestern Illinois is vital to the success of the Clean Air Partnership; and  
 Whereas, through partnerships and a spirit of shared responsibility and awareness, business and government, employer and employee can work toward improving our transportation system; and  
 Whereas, attracting more people to rideshare as a means of commuting to and from work results in alleviating traffic congestion and improving the area's air quality; and

Whereas, there is an urgent need for commuters to understand and be aware of transportation alternatives to driving alone to and from work that will reduce air pollution, traffic congestion, transportation costs and parking needs; and  
 Whereas, these alternatives include carpooling, vanpooling, telecommuting, walking, biking, and use of public transit such as buses and Metrolink; and  
 Whereas, ridesharing can reduce traffic congestion, fuel consumption, air pollution, transportation costs and parking needs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 17-21, 1996, as RIDESHARE WEEK in Illinois.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

96-292

#### SOUTHERN ILLINOIS UNIVERSITY AT CARBONDALE DEBATE TEAM COMMENDED

Whereas, the Debate Team at Southern Illinois University at Carbondale has been a valuable asset to the institution throughout its history; and

Whereas, the members of the SIUC Debate Team have maintained a commitment to excellence while being dedicated to the responsibilities of the debate team, scholarly enterprise, and the University as a whole; and

Whereas, the members of the SIUC Debate Team won the national championship tournament of the National Cross-Examination Debate Association in 1986, 1987, 1988 and 1989; and

Whereas, the 1996 SIUC Debate Team has added another honor to its long list of distinguished accomplishments by again winning the national championship tournament; and

Whereas, the 1996 SIUC Debate Team won the championship unanimously, a feat accomplished by no other championship team; and

Whereas, the 1996 SIUC Debate Team finished ahead of such competitive universities as Cornell, Vanderbilt, UCLA and Emory University; and

Whereas, the SIUC Debate Team is widely recognized for being a leader in its field while representing the quality of the student population and the quality of the academic programs; and

Whereas, members of the SIUC Debate Team include Zachary J. Anderson, Sean M. Featherstun, Jason E. Griffith, Melissa D. Horn, Glenn P. Frappier, Matthew M. Moore, Zachary A. Sapienza, Bill M. Shinn, Joseph M. Vuglia, Jeremy J. West, and Wendy D. Wooley, Faculty Director Gregory D. Simerly, and Assistant Coaches Stephen K. Hunt, Edwin D. Phillips, and Yuri V. Kostun;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend the

SOUTHERN ILLINOIS UNIVERSITY AT CARBONDALE DEBATE TEAM on its accomplishments and offer my best wishes for continued success.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 14, 1996.

96-293

#### ALPHA KAPPA ALPHA SORORITY, INC.

Whereas, Alpha Kappa Alpha Sorority, Inc., was the first Greek letter organization founded by and for women of African American descent; and

Whereas, Alpha Kappa Alpha Sorority, Inc., was founded on January 15, 1908, by 16 African American women whose primary goal was to foster finer womanhood, promote scholarship and serve all mankind; and

Whereas, on May 25, 1946, eight graduate members of Alpha Kappa Alpha Sorority had the vision to organize the East St. Louis Alumnae Chapter known as Delta Delta Omega; and

Whereas, 27 women of vision and foresight have since served the chapter as president; and

Whereas, the foresight and fortitude of these women initiated the growth of the sorority and provided the East St. Louis community with innovative programs and significant contributions to the members of the East St. Louis metropolitan community; and

Whereas, during May 1996 the members of the East St. Louis Chapter of Alpha Kappa Alpha Sorority, Inc., celebrated the 50th Anniversary of the chartering of the Delta Delta Omega Chapter which has grown to a membership of more than 100 members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize ALPHA KAPPA ALPHA SORORITY, INC. for their outstanding service to the community.

Issued by the Governor June 12, 1996.

Filed by the Secretary of State June 14, 1996.

96-294

#### AMATEUR RADIO WEEK

Whereas, the State of Illinois has more than 24,000 licensed amateur radio operators who have demonstrated their value in public assistance by providing emergency radio communications and assisting in public functions; and

Whereas, these amateur radio operators donate their services free of charge to the state in the interest of the citizens of the state as well as the world; and

Whereas, these amateur radio operators are on alert for any emergency, local or worldwide, and practice their communication skills during the American Radio Relay League's Field Day exercise; and

Whereas, this year's Amateur Radio Field Day will take place on June 22-23, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 17-23, 1996, as AMATEUR RADIO WEEK in Illinois.

Issued by the Governor June 12, 1996

Filed by the Secretary of State June 14, 1996.

96-295



**CHARLES E. CARTER DAY**

Whereas, Officer Charles E. Carter has earned the rank of security specialist by serving and protecting the citizens of Chicago for 28 years and by providing security for two mayors of Chicago; and

Whereas, Officer Carter spent 11 years as a neighborhood relations officer serving the ninth and 15th districts; and

Whereas, he was a recipient of outstanding achievement awards for his strong leadership ability and his efforts to make the Austin community a safer residential and business community; and

Whereas, Officer Carter was assigned to the Gang Crimes North Unit and has served as a tactical officer; and

Whereas, he was assigned to the Area 5 Youth division where he provided security and safety for the Austin High School students, faculty and staff; and

Whereas, he has further served his community by coaching the very successful Budweiser-Michelob Summer Basketball League "MGM Grand All-stars" at Malcolm-X College; and

Whereas, Coach Carter coached high school student basketball players', some of whom went on to the NBA; and

Whereas, he coached the NBA All-star team and Pro-league basketball teams at Illinois Institute of Technology and the Chicago Police Department basketball team that went to the championship; and

Whereas, his last assignment was Government Security Detail serving as a Security Specialist for Mayor Richard Daley; and

Whereas, he is retiring and will be honored on June 13, 1996, by the Chicago Police Department, family, and friends;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 13, 1996, as **CHARLES E. CARTER DAY** in Illinois.

Issued by the Governor June 12, 1996.

Filed by the Secretary of State June 14, 1996.

96-296

**KOREAN WAR VETERANS RECOGNITION DAY**

Whereas, the Korean War began on June 27, 1950, when an armed force of the North Korean People's Army attacked the Republic of Korea; and

Whereas, there were 54,246 U.S. casualties and 103,284 wounded in action in that war; and

Whereas, Illinois sent 206,500 of her citizens to serve and fight in the war; and

Whereas, 1,741 Illinois service members paid the ultimate sacrifice to stop the spread of communism; and

Whereas, the soldiers who fought in Korea are known as the "Forgotten Warriors", for they have not been properly honored for their loyal service and commitment to defend the principles of democracy and freedom; and

Whereas, the Korean War Memorial Committee has worked valiantly for six years, raising the funds to build a monument to honor those Illinoisans who fought in Korea; and

Whereas, the hard work of the committee has resulted in a new Korean War Memorial at Oak Ridge Cemetery in Springfield, which will be dedicated on June 15 and 16, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June

16, 1996, as **KOREAN WAR VETERANS RECOGNITION DAY** in Illinois.

Issued by the Governor June 12, 1996.

Filed by the Secretary of State June 14, 1996.

96-297

**R. RAY WOOD MONTH**

Whereas, R. Ray Wood received the National Silver Antelope Award on June 11th for his exceptional service to scouting in the central region; and

Whereas, Ray served as Area 3 Vice President for the Central Region, Boy Scouts of America for three years and is currently their President; and

Whereas, he has received numerous scouting awards; and

Whereas, in 1987, Ray Wood became the Chairman, President and Chief Executive Officer of Rockford Products Corporation; and

Whereas, he earned a BS degree in accounting from the University of Wyoming and an MBA from Northern Illinois University in DeKalb; and

Whereas, Ray has been involved in several community organizations throughout the years; and

Whereas, Ray and his wife, Nola, have two married sons who are Eagle Scouts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1996 as **R. RAY WOOD MONTH** in Illinois.

Issued by the Governor June 12, 1996.

Filed by the Secretary of State June 14, 1996.

96-298

**DISASTER AREA - OGLE COUNTY**

Severe thunderstorms and torrential rainfall occurring on May 25, 1996 and recurring frequently for the past three weeks, were part of severe weather systems that moved through the northwestern part of the State of Illinois, inflicting heavy damage in Ogle County. The severe weather systems delivered excessive amounts of rainfall causing flooding and flash flooding. Local governments have sustained severe damage to roads, bridges, and buildings.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Ogle County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal Assistance.

Issued by the Governor June 17, 1996.

Filed by the Secretary of State June 17, 1996.

96-299

**DEVRY INSTITUTE OF TECHNOLOGY WEEK**



Whereas, DeVry Institute of Technology is one of the largest for-profit post-secondary educational organizations in North America, with locations in Chicago, Atlanta, Dallas, Phoenix, Columbus, Long Beach, CA, Pomona, CA, Addison, IL, Kansas City, Irving, TX, and Toronto, North York, Scarborough, and Calgary, Canada; and

Whereas, DeVry Institute offers an extensive curriculum in science and technology, and bachelor's degrees may be awarded at most campuses in the United States; and

Whereas, DeVry Institutes in the United States are accredited by the commission on Institute of Higher Education of the North Central Association of Colleges and Schools, and various technical programs are accredited by NCA and ABET; and

Whereas, 1996 marks DeVry's 65th anniversary and a celebration will be held during the commencement exercises at DeVry Institute of Chicago on June 21, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 16-22, 1996, as DEVRY INSTITUTE OF TECHNOLOGY WEEK in Illinois.

Issued by the Governor June 13, 1996.

Filed by the Secretary of State June 20, 1996.

#### 96-300

#### FLAG DAY

Whereas, by Act of Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted; and

Whereas, by Act of Congress, dated August 3, 1949, June 14th of each year was designated National Flag Day; and

Whereas, Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week; and

Whereas, the blue field of the flag is indicative of God's heaven under which it flies; and

Whereas, the stars of the flag are clustered together, unifying 50 states as one, for God and country; and

Whereas, the red stripes symbolize the blood spilled in defense of this glorious nation; and

Whereas, the white stripes signify the burning tears shed by Americans who lost their children in war; and

Whereas, the flag has flown through peace and war, strife and prosperity; and amidst it all, it has been respected; and

Whereas, Flag Day celebrates our nation's symbol of unity, a democracy in a republic, and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim June 14, 1996, as FLAG DAY in Illinois.

Issued by the Governor June 13, 1996.

Filed by the Secretary of State June 20, 1996.

#### 96-301

#### SALEM BAPTIST DISTRICT ASSOCIATION WEEK

Whereas, in 1946, a group of Ministers of the Bethlehem District met with

Reverend James Lafayette Horace at the Monumental Baptist Church; and

Whereas, during this meeting the organizing of a new District Association was discussed because the Bethlehem District wanted to support another State Convention along with the Baptist General State Convention; and

Whereas, some of the new District's purposes were to train and develop local church members, to promote a spirit of fellowship and leadership and to closely observe Baptist principles and doctrines; and

Whereas, there was a large response to the letters that were sent to various churches and pastors concerning the organization of a new District Association; and

Whereas, the first meeting was on May 29, 1946, at the Union Tabernacle Baptist Church; and

Whereas, the first Constitution of Salem Baptist District Association was adopted in August 1948; and

Whereas, in 1989, the District reopened their Office Headquarters; and

Whereas, during the week of July 22, 1996, the Salem Baptist District Association will observe its 50th Annual session, Proclaiming Liberty Throughout The Land, at the Providence Missionary Baptist Church;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 22-26, 1996, as SALEM BAPTIST DISTRICT ASSOCIATION WEEK in Illinois.

Issued by the Governor June 13, 1996.

Filed by the Secretary of State June 20, 1996.

#### 96-302

#### CLARK COUNTY FAIR WEEK

Whereas, the 97th annual Clark County Fair will be held June 20-26, 1996;

and

Whereas, during this week, the public will be able to enjoy a Fair Queen contest, horse racing, entertainment and plant, animal and craft exhibits; and

Whereas, the fair dates back to July 16, 1897, and has been held at various locations throughout the county; and

Whereas, the fair provides a way for citizens to come together to celebrate their community and fellowship and also serves as a sound tradition for Clark County; and

Whereas, it is right and proper to acknowledge the history of the Clark County Fair;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 20-26, 1996, as CLARK COUNTY FAIR WEEK in Illinois.

Issued by the Governor June 14, 1996.

Filed by the Secretary of State June 20, 1996.

#### 96-303

#### JOHN AHART AND ROSE BUCKNER APPRECIATION DAY

Whereas, New Salem State Historic Site has advanced our understanding of Abraham Lincoln and his legacy through historical interpretation and artistically through outdoor theatre; and

Whereas, June 22, 1996, will recognize 50 years of outdoor theatrical productions, especially those of John Ahart and Rose Buckner, that have beautifully recreated a sense of frontier Illinois and the village of New Salem that played a pivotal role in forming Abraham Lincoln's character; and

Whereas, John Ahart and Rose Buckner created the Great American People Show to keep outdoor theatre and Lincoln productions available for Illinois citizens and tourists alike so that all might better understand the mystery and the majesty of the 16th President's life; and

Whereas, for the past 20 years, John Ahart and Rose Buckner have written, produced or staged original scripts such as *Your Obedient Servant*, *A. Lincoln: Even We Here*; *Portrait of a Prairie Capitol*; *Sarah Teasdale*; *Abraham Lincoln and the Fourth of July*; *Spoon River Anthology*; and *Walt Whitman and the Civil War*; and

Whereas, John and Rose created a special form of historic presentation involving the cast and audience in a whirlwind of past events and emotions that beautifully express the drama and revolutionary impact that the Civil War and Lincoln's leadership exerted upon the American psyche, thus saving the great American experiment of self-government for the benefit of later generations; and

Whereas, John and Rose have decided to pursue new challenges of theatrical writing and production, leaving the legacy of GAPS and outdoor theatre for a new generation of creative and adventurous talent to carry on the tradition in Kelo Hollow;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1996, as JOHN AHART AND ROSE BUCKNER APPRECIATION DAY in Illinois.

Issued by the Governor June 14, 1996.

Filed by the Secretary of State June 20, 1996.

#### 96-304

##### SWEDISH IMMIGRATION JUBILEE 1846-1996 DAY

Whereas, 1996 marks the 150th Anniversary of the beginning of the mass Swedish immigration to North America known as the Swedish Immigration Jubilee 1846-1996; and

Whereas, the Swedish American community celebrates the courage and necessity of the first Swedish pioneers who left their native land beginning in 1846 to start a new life on the North American continent; and

Whereas, 1996 has been decreed the year to study Emigrants and Immigrants in Swedish History, 1846-1996. In Sweden and the United States, a number of cooperating organizations are joining forces to coordinate symposiums, dances, festivals, concerts, dinners, exhibits, crayfish parties, Lucia Days and more to educate Swedish Americans and all citizens of the rich culture and history of Sweden;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1996, as SWEDISH IMMIGRATION JUBILEE 1846-1996 DAY in Illinois.

Issued by the Governor June 14, 1996.

Filed by the Secretary of State June 20, 1996.

#### 96-305

##### LARABIDA CHILDREN'S HOSPITAL AND RESEARCH CENTER DAY

Whereas, 100 years ago, Larabida Children's Hospital found its beginning through the efforts of a group of dedicated, generous women who, with the donation of a replica of the Spanish Monastery Larabida leftover from the 1893 World Colombian Exposition, opened a free, fresh-air sanitarium for the poor, weary mothers of the city; and

Whereas, the hospital grew to gain worldwide recognition for its work in treating and contributing to the eventual eradication of rheumatic fever and rheumatic heart disease; and

Whereas, the hospital today cares for children who have chronic illnesses or disabilities or those who have been abused and maintains a mission of caring for these children regardless of their families' ability to pay; and

Whereas, Larabida is celebrating its centennial with the theme "Helping Young Heroes for 100 Years," dedicating its celebration to the children over the century who have bravely faced and overcome the challenges of their illness or disability; and

Whereas, Larabida recognizes others who share in their mission by honoring 100 individuals or organizations as "Big Hearts for Young Heroes";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 27, 1996, as LARABIDA CHILDREN'S HOSPITAL AND RESEARCH CENTER DAY in Illinois.

Issued by the Governor June 17, 1996.

Filed by the Secretary of State June 20, 1996.

#### 96-306

##### WORLD CHAMPION CHICAGO BULLS DAY

Whereas, the Chicago Bulls have again proved that Chicago is a City of Champions by winning the 1996 National Basketball Association World Championship; and

Whereas, the 1996 Chicago Bulls claimed their fourth championship trophy in six years, extending their dynasty on the court and making the Bulls America's Team of the 90s; and

Whereas, the 1996 Chicago Bulls won an incredible 87 of their 100 games;

and Whereas, Michael Jordan, the superstar who showed the world how to fly, scored the Most Valuable Player award for the finals, the season and the All-Star Game, all during a single season, and is the first man in history to be named MVP for the finals four times; and

Whereas, despite injury, Scottie Pippen demonstrated his usual flair and finesse, scoring 17 points, eight rebounds and four steals in the final game; and

Whereas, Dennis "The Worm" Rodman proved his outstanding defensive skills, twice during the finals, tying the NBA record for offensive rebounding; and

Whereas, Toni Kukoc was honored as "Sixth Man" of the Year; and Whereas, Coach of the Year Phil Jackson, Jerry Reinsdorf and NBA Executive of the Year, Jerry Krause assembled a team and then watched it work magic, showing the world what teamwork and determination can accomplish; and

Whereas, the championship and citywide celebration would not have been possible without the spirited support of the Chicago Bulls fans and the contribution of the entire Chicago Bulls organization, from the players on the court -- Ron Harper, Luc Longley, Steve Kerr, Bill Wennington, John Salley, Jud Buechler, Randy Brown, James Edwards, Jason Caffey, Jack Haley and Dickey Simpkins -- to the coaching staff and front office management, including Jim Clemons, John Paxson, Jimmy Rodgers and Tex Winter;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 18, 1996, as WORLD CHAMPION CHICAGO BULLS DAY in Illinois and urge all Illinoisans to celebrate and salute their thrilling achievement.

Issued by the Governor June 17, 1996.  
Filed by the Secretary of State June 20, 1996.

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## ISSUES INDEX

July 5, 1996

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56-2600-22	89-240-14,20	17-660-20	68-1285-24	89-590-18,
56-2625-24	89-385-14	17-670-20	68-1285-15	89-676-18
59-101-21	89-401-14	17-1090-20	68-1295-15	89-679-18
59-258-27	89-402-14	17-1538-16	68-1380-19	89-682-18
68-1220-20	89-403-14	17-2030-24	68-1450-19	89-895R-18
	89-404-14	20-103-25		
	89-405-14	20-107-20		



92-171-19  
92-172-19  
92-173-19  
92-177-19  
92-178-19  
92-179-19  
92-180-19  
92-1001-25  
92-1070-24

**EMERGENCY**

8-85-19  
23-650-18,27  
23-2721-24  
32-501-25  
56-2520-13  
77-692-25  
80-150-24  
83-761-26  
83-763-26  
86-110-22  
86-3000-24  
89-144-21  
89-240-14  
92-1030-25

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